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BOARD MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CALEPA BUILDING

1001 I STREET

2ND FLOOR

CENTRAL VALLEY AUDITORIUM

SACRAMENTO, CALIFORNIA

TUESDAY, FEBRUARY 19, 2002

9:30 A.M.

JAMES F. PETERS, CSR, RPR  
CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

# APPEARANCES

## BOARD MEMBERS

Linda Moulton-Patterson, Chairperson

Dan Eaton

Steven R. Jones

Jose Medina

Michael Paparian

David Roberti

## STAFF

Mark Leary, Executive Director

Kathryn Tobias, Chief Counsel

Terry Jordan, Deputy Director

Julie Nauman, Deputy Director

Rubia Packard, Assistant Director

Pat Schiavo, Deputy Director

Patty Wohl, Deputy Director

Elliot Block, Staff Counsel

Martha Gildart

Sharon Anderson

Gabe Aboushanab

Bridget Brown

Boxing Chen

Kaoru Cruz

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Patty Dumont

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Keith Kennedy

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Scott Walker

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## INDEX

	PAGE
I. Call to Order	1
II. Roll Call and Declaration of Quorum	1
III. Opening Remarks	1
IV. Reports and Presentations	3
V. Consent Agenda	15
Motion	16
Vote	16
VI. Continued Business Agenda Items	7
1. Consideration for SB 1066 Time Extension	7
Motion	48
Vote	51
VII. New Business Agenda Items	52
Permits, LEA and Facility Compliance	
3. Consideration of New Standardized Compost Permit for Cold Canyon Landfill	52
Motion	54
Vote	54
5. Consideration of New Standardized Compost Permit for Nursery Products Composting Facility	55
Motion	55
Vote	57
6. Consideration of a Revised Full Solid Waste Facility Permit for Bridgeport Landfill	57
Motion	62
Vote	63
7. Consideration of a Revised Full Solid Waste Facility Permit for Walker Landfill	63
Motion	67
Vote	67

## INDEX CONTINUED

	PAGE
8. Consideration of a Revised Full Solid Waste Facility Permit for Western Placer Waste Management Authority	67
Motion	71
Vote	71
9. Consideration of Approval of the Scope of Work for the Risk Assessment Assistance Contract	72
10. Consideration of Approval of OEHHA as Contractor for the Risk Assessment Contract	72
11. Consideration of the Adoption of Negative Declaration	87
Motion	102
Vote	103
13. Discussion of LEA Evaluations through December 31, 2001	104
14. Discussion of and Request for Direction on Alternative Daily Cover in Response to Workshops Conducted January 2002	139
15. Discussion of and Request for Direction Regarding Remaining Landfill Capacity Reporting	166
Special Waste	
16. Consideration of Approval of the Grant Awards for the Waste Tire Track and Other Recreational Surfacing Grant Program For Fiscal Year 2001/2002	215
Motion	220
Vote	223
17. Consideration of Approval of Grant Awards for the Waste Tire Playground Cover Grant Program	223
Motion	231
Vote	231

## INDEX CONTINUED

	PAGE
18. Consideration of Approval of Proposed Applicant Eligibility and Project Eligibility	232
Motion	242
Vote	242
19. Consideration of Approval of Proposed Applicant Eligibility and Project Eligibility	243
Motion	247
Vote	251
20. Consideration of Approval of Scope of Work for the Consumer Education Tire Survey, Brochure and PSA	182
21. Consideration of Approval of Contract for the Consumer Education Tire Survey, Brochure and PSA	182
22. Consideration of Approval of Request for Extensions for Grant Agreements for the Used Oil Opportunity Grants	252
Motion	265
Vote	265
24. Consideration of Approval of the California Coastal Commission as Contractor for Phase III of the Boating Clean and Green Campaign	265
Motion	267
Vote	268
Adjournment	268
Reporter's Certificate	269

1 PROCEEDINGS

2 CHAIRPERSON MOULTON-PATTERSON: I'd like to call  
3 the meeting to order.

4 Thank you, and welcome to our February 2002  
5 meeting of the California Integrated Waste Management  
6 Board. And would you please, at this time, join us in the  
7 flag salute.

8 (Thereupon the Pledge of Allegiance was  
9 recited in unison.)

10 CHAIRPERSON MOULTON-PATTERSON: Would the  
11 Secretary please call the roll.

12 SECRETARY VILLA: Eaton?

13 CHAIRPERSON MOULTON-PATTERSON: Mr. Eaton is  
14 detained, and so we're going to go ahead and start.

15 SECRETARY VILLA: Jones?

16 BOARD MEMBER JONES: Here.

17 SECRETARY VILLA: Medina?

18 BOARD MEMBER MEDINA: Present.

19 SECRETARY VILLA: Papanian?

20 BOARD MEMBER PAPANIAN: Here.

21 SECRETARY VILLA: Roberti?

22 Moulton-Patterson?

23 CHAIRPERSON MOULTON-PATTERSON: Here.

24 Okay, please turn off cell phones or at least the  
25 wringers on them and pagers to avoid disrupting the

1 meeting.

2           Also, I'd like to remind you to keep conserving  
3 energy on behalf of the Governor and the California  
4 Legislature. We're doing our part to conserve energy and  
5 to avoid waste by printing a limited number of agendas.  
6 They're on the back table, and there's also speaker's  
7 slips there. If you'd like to speak to us on an agenda  
8 item, please fill out a speaker form and give it to Ms.  
9 Villa. Also, I'll be taking a five-minute public comment  
10 before lunch today at 20 to 12:00.

11           And with that, do any members have ex partes?

12           Mr. Jones?

13           BOARD MEMBER JONES: Thanks, Madam Chair. Just  
14 two. Both of them on conversion technology. I received  
15 earlier this morning one from Gary Liss and one from Tim  
16 Judge from the Masato Resource Group.

17           CHAIRPERSON MOULTON-PATTERSON: Thank you.

18           Mr. Medina?

19           BOARD MEMBER MEDINA: I have two, Madam Chair.  
20 John Tedorovich, vice president of operations for LTR  
21 Asphalt Products and Robert Schwartz from All American  
22 Asphalt, All American Aggregates.

23           CHAIRPERSON MOULTON-PATTERSON: Thank you.

24           Mr. Paparian?

25           BOARD MEMBER PAPARIAN: I'm up to date.



1                   CHAIRPERSON MOULTON-PATTERSON: Okay, and I'm up  
2 to date.

3                   Mr. Jones?

4                   BOARD MEMBER JONES: Sorry, just one more, I  
5 forgot. I've also got George Larson on the way into the  
6 room on the nonhazardous/hazardous stuff. Sorry about  
7 that.

8                   CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
9 Jones.

10                  And before we go to reports, and I'll be  
11 mentioning this also when he arrives, I just wanted to add  
12 congratulations to Mr. Eaton for being appointed for a  
13 second term. And he was appointed by past Speaker  
14 Hertzberg, and he will serve until January 2006. So  
15 congratulations to Mr. Eaton. And I know we'll all give  
16 him our congratulations when he arrives. He was stuck in  
17 traffic this morning.

18                  Mr. Jones, would you like to give any remarks or  
19 reports?

20                  BOARD MEMBER JONES: I'll just do a quick one,  
21 because we've got a long meeting today. I had a good  
22 two-day tour with Deb Barns from Cal EPA. She and I went  
23 on a road show down in southern California and visited  
24 eight different facilities in two days. It was  
25 informative for her. It was informative for me. And

1 really I made her get up at about 4:30 in the morning on  
2 the second day to look at what Puente Hills looks like at  
3 5:30 in morning before the gates are even open, and you  
4 see four lines of trucks a half a mile long, it will give  
5 you an appreciation about people sitting in line waiting  
6 to get inside a facility. So it was a good trip, and I  
7 just thought I would pass that along.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
9 Jones. And Ms. Barns is quite a trooper, and she told me  
10 it was very beneficial though.

11 (Laughter.)

12 CHAIRPERSON MOULTON-PATTERSON: Mr. Medina.

13 BOARD MEMBER MEDINA: I attended the meeting of  
14 the Asphalt Pavement Association in Los Angeles on January  
15 the 24th. I spoke at the Used Oil Forum that the Board  
16 hosted on January the 30th, 2002.

17 And I presented the Board's RAP awards in Carson,  
18 California on February the 6th. And that particular event  
19 was very well attended by a number of the RAP award  
20 recipients from that particular area.

21 And I have an amendment to make in regard to the  
22 ex partes. I met with a Barry Takallou with the Crumb  
23 Rubber Manufacturers.

24 CHAIRPERSON MOULTON-PATTERSON: Thank you for  
25 attending that RAP award event down in southern

1 California. I know they appreciated it, Mr. Medina.

2 Mr. Paparian.

3 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

4 Actually, I was an interloafer on a couple of the visits  
5 that Mr. Jones was talking about visited the SYNAGRO  
6 composting facility and the El Sobrante Landfill, both  
7 very intriguing facilities right next door to each other.

8 I also testified before Senator Romero's Senate  
9 Select Committee on urban landfills regarding electronics  
10 waste. There were representatives of the Department of  
11 Toxic Substances Control, local government, nonprofits,  
12 such as goodwill, environmental groups and industry all  
13 discussing the issue.

14 And, you know, what was clear is it is a big  
15 issue. It is something that a wide range of folks are  
16 recognizing that something needs to be done on. And I  
17 know Senator Romero is intending to introduce legislation.  
18 And I'll update the Board further in a month or two on  
19 what's going on with the national NEPSI process that I've  
20 been part of.

21 I also wanted to thank a few of the staff who  
22 have been helping me out on the environmental management  
23 system project for the Cal EPA headquarters. A number of  
24 staff have been quite helpful in that. John Sitts has  
25 been sitting on the Committee that is working on the

1 project along with Andrew Hurst also on the Committee.

2           Jill L. Jones has been extremely helpful in  
3 putting the meetings together. Jean Estes is putting  
4 together that Intranet web site, and Renee Lawver has been  
5 helping us with a lot of technical and other information  
6 about EMS projects.

7           So I wanted to make sure all those staff, I hope  
8 I didn't miss anybody, but quite a few folks have been  
9 very helpful on this EMS headquarters project.

10           CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
11 Paparian. And we're really glad to have your leadership  
12 in that. And also thank you very much for testifying  
13 before Senator Romero's committee. We've very much  
14 appreciate your expertise and you sharing that at her  
15 committee meeting.

16           Also, I believe Senator Roberti is testifying  
17 before them, is that this morning or tomorrow? Tomorrow  
18 morning on -- so we appreciate that and we'll be getting a  
19 report from him.

20           Okay. On my report, first of all, I want to  
21 thank Ms. Packard again for attending and representing the  
22 Waste Board at the staff Open Forum in the bay area. I  
23 know that can be a long day, but it is very important, and  
24 we really appreciate, since none of us could go, that you  
25 were there to represent us. I heard you did a fine job,

1 and thank you.

2 I attended the ones. There were three down in  
3 southern California in El Monte and many, many of the Air  
4 Board members and other members of Cal EPA attended that  
5 one. And then we had two up at the State building in Los  
6 Angeles. And they were very well attended and the staff  
7 in southern California seemed to very much appreciate that  
8 Secretary Hickox and the executive officers or the Chairs  
9 of all the Boards and Departments of Cal EPA came down and  
10 spent the day with them.

11 And also, I wanted to announce after seeing how  
12 large our agendas have become, 52 items last month and  
13 this month, and also seeing how well our budget  
14 subcommittee is working, I would like to announce today  
15 the formation of three additional subcommittees. These  
16 would include a subcommittee for Diversion, Planning and  
17 Local Assistance, which has a huge workload; Permitting  
18 and Enforcement; and Special Waste.

19 These would be noticed to the public, and you'll  
20 be hearing more about the details about when they will be  
21 scheduled and so forth from Mr. Leary when he has a chance  
22 to get them all scheduled.

23 I believe I don't know if he plans to phase them  
24 in, but certainly the DPLA committee will be up and  
25 running as soon as possible.

1                   And I would like to appoint, and I will announce  
2 the following board members to each subcommittee and ask  
3 that each subcommittee choose their own chair.

4                   Diversion, Planning and Local Assistance, I'd ask  
5 Michael Paparian to serve on Danny Eaton and Steve Jones.  
6 Permitting and Enforcement, I'd ask Senator Roberti Jose  
7 Medina and Steve Jones. Special Waste and Market  
8 Development, again, Danny Eaton and Senator Roberti and  
9 myself. Budget and Administration, which we've already  
10 been meeting, will remain the same, myself, Mike Paparian  
11 and Jose Medina. And Mr. Medina will be chair of that  
12 group.

13                  These subcommittees will permit each board member  
14 to serve on two and will be bringing back the logistics as  
15 I said later on, but I did want to publicly announce  
16 those. These are public meetings and we'll be getting  
17 back to the public on the details.

18                  And Mr. Leary with that I'll turn it over to you  
19 for your Executive Director report.

20                  EXECUTIVE DIRECTOR LEARY: Thank you, Madam  
21 Chair. Good morning and morning members.

22                  I'd like to start by first publicly expressing my  
23 appreciation to Deputy Director July Nauman for filling in  
24 for me when I was on a little respite to nicer climates  
25 during the month of February. Julie did a terrific job

1 and I found my to do list in much better shape when I  
2 returned than what I left. So, again, thanks to Julie for  
3 helping me out there.

4 I have a couple of items to report on. First of  
5 all, in regards to sudden Oak Death it's impact on the  
6 compost industry. Last week the U.S. Department of  
7 agriculture announced emergency regulatory action  
8 attempting to limit the separated of the fungus  
9 Phytophthora Ramorum, which causes Sudden Oak Death.

10 The USDA's regulations took effect immediately  
11 and generally are more restrictive than regulations that  
12 the California Department of Food and Agriculture has  
13 already in effect.

14 Both the State and the federal regulations place  
15 restrictions on the movement of a "host" material,  
16 including wood and wood products, and nursery material of  
17 species found to be contaminated with the fungus within a  
18 ten county northern California region. Those 10 counties  
19 include Monterey San Mateo, Santa Clara, Santa Cruz,  
20 Solano, Alameda, Marin, Mendocino, Napa and Sonoma. And a  
21 part of one county in Oregon.

22 As you may know staff have been participating  
23 with the CDFA on the California Oak Mortality Task Force.  
24 We've gotten involved because composting facilities that  
25 receive the host material from the regulated area have

1 emerged as a potential path for spreading the fungus, and  
2 restrictions on the movement of the compost could impair  
3 the product marketing.

4           We've been exploring with CDFA other alternatives  
5 to be included in their regulations that will allow the  
6 use of composting as a treatment for the host material  
7 that's infected by the fungus, that is based on a recent  
8 University of California research documenting that the  
9 fungus is killed by a two-week period of exposure to high  
10 temperatures generated during windrow composting, which is  
11 just what our composting regulations require.

12           Staff has discussed this alternative task force  
13 and the CDFA and have drafted a treatment protocol that is  
14 pending submission to CDFA for their inclusion in their  
15 regulations. Pat Paswater from the markets division and  
16 Alan Glabe in the P&E division are our experts and are  
17 working closely with CDFA. Feel free to contact either of  
18 those individuals if you have any questions on the  
19 subject.

20           Another compost related matter, of course, is  
21 clopyralid, which I've reported to you in the past. Some  
22 composting operators have voluntarily submitted samples of  
23 their products to an independent lab to test for the  
24 presence of clopyralid, and we are awaiting reports of  
25 those results. We've scheduled a discussion item on this



1 issue at the March 6th Agenda Briefing Workshop. And  
2 we'll have an accompanying agenda item based on the  
3 information we have to date.

4           We know, at this point, the Department of  
5 Pesticide Regulation will attend that meeting. And Dow  
6 AgroSciences, the manufacturer of Confront, which is the  
7 main pesticide containing clopyralid and numerous other  
8 composting and organizations have been notified and will  
9 be attending that meeting on the 6th.

10           On January 29th and 30th of last month, the Used  
11 Oil and Household Hazardous Waste branch hosted the Used  
12 Oil Recycling Forum, a statewide conference held here in  
13 the Cal EPA building and which drew 175 local government  
14 and nonprofit business, State and federal agency  
15 representatives working on used oil and household  
16 hazardous waste management programs.

17           Assemblyman Anthony Pescetti provided the opening  
18 remarks on the first day and Board Member Medina provided  
19 the opening remarks on the second day.

20           Technical sessions on topics such as social  
21 marketing, program evaluation, grant writing and a public  
22 outreach campaign highlighted the active agenda.

23           Forum evaluations have been very positive and  
24 indicate that attendees especially appreciated the  
25 opportunity to tour our new headquarters and to learn

1 about the Waste Reduction Recycling Energy conservation  
2 and green procurement practices that occur in this  
3 building.

4 I'd like to thank Kristin Yee and Natalie Lee for  
5 the organizing the forum and to all the branch staff who  
6 moderated the technical sessions and to the Buy Recycled  
7 Program and the Office of Integrated Education for  
8 providing resources and information booths during the  
9 event.

10 And finally, I'd like to report, and this is with  
11 a great of deal of excitement really, is that we're about  
12 to go live with an audio broadcast of our board meetings  
13 next month. Since 99, we've been providing an audio  
14 broadcast of the boards meetings with access limited to  
15 our staff due to computer network constraints.

16 We've found that the internal audio broadcasts to  
17 be very beneficial allowing interested staff to multitask,  
18 listening on the Board's proceedings from their desktop  
19 PCs while doing other things. It has always been our goal  
20 and I know it's been the Board's goal to extend this same  
21 benefit to the public.

22 About eight months ago in response to your  
23 questions on this subject, Gary Arstein-Kerslake indicated  
24 that we were moving ahead seeking to develop an approach  
25 that would take advantage of high speed Internet

1 connection shared by all of our organizations within Cal  
2 EPA.

3 I'm pleased to announce that we've worked out  
4 that shared use agreement with our fellow boards and  
5 departments for the Internet Connection and that scheduled  
6 installation date is in early March.

7 Gary has assured me that we will be ready for our  
8 first web-based audio broadcast in time for the March 12th  
9 board meeting in El Centro. We've had the legal office  
10 review propose wording for the statement regarding these  
11 new capabilities that will be noticed along with the  
12 Board's meeting announcement so that everything should be  
13 ready to go.

14 So beginning next month, anyone with a PC or Mac  
15 from Mogadishu the Montreal or to Beijing to Bangor,  
16 they'll be able to connect to the Internet and have access  
17 to our web site and listen in on our meetings and I know  
18 there are millions out there waiting to hear what we're  
19 doing.

20 (Laughter.)

21 EXECUTIVE DIRECTOR LEARY: Than concludes my  
22 report.

23 CHAIRPERSON MOULTON-PATTERSON: I was just going  
24 to ask if you could report back to us on our ratings when  
25 those come back.

1 (Laughter.)

2 EXECUTIVE DIRECTOR LEARY: Watch out Rikki Lake.

3 (Laughter.)

4 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you,  
5 Mr. Leary.

6 And Ms. Barns you missed some great compliments.  
7 We said what a trooper you are and anybody who could be at  
8 Puente Hills Landfill at 5:30 in the morning, might hat is  
9 off to. I've been there, but not at 5:30 in the morning,  
10 so thank you.

11 Okay. There will be a closed session today and  
12 we decided to have that at the end of today's meeting.  
13 And Items 2, 4, 12, and 44 have been pulled, that's 2, 4,  
14 12 and 44. Items 20, 23, 34, 35, 37, 39, 51 and 52 have  
15 been proposed from the consent agenda.

16 And before I ask if any boards members would like  
17 to pull any items, please let the record reflect that Mr.  
18 Eaton is here. And, Mr. Eaton, we were all saying how  
19 glad we are that you were reappointed by Speaker Hertzberg  
20 and for another four-year term, so congratulations to you,  
21 Mr. Eaton.

22 BOARD MEMBER EATON: Thank you, Madam Chair.  
23 It's glad to be back, and hopefully we'll be able to  
24 accomplish even more than we have in the past on a good  
25 road. And for all of you, it should come as no surprise

1 that none of us hit the lottery and we're all here today.

2 (Laughter.)

3 CHAIRPERSON MOULTON-PATTERSON: That's for sure.

4 BOARD MEMBER EATON: So thank you, again, and  
5 let's go.

6 CHAIRPERSON MOULTON-PATTERSON: Okay. Would you  
7 like to pull any agenda consent items?

8 BOARD MEMBER EATON: No, I'm fine, thank you.

9 CHAIRPERSON MOULTON-PATTERSON: Okay. Do we have  
10 a motion for the consent calendar?

11 BOARD MEMBER MEDINA: Madam Chair.

12 CHAIRPERSON MOULTON-PATTERSON: Mr. Medina.

13 BOARD MEMBER MEDINA: I would like to pull item  
14 number 20, as I have some changes that I'd like to propose  
15 in that particular item.

16 CHAIRPERSON MOULTON-PATTERSON: Okay. So Mr.  
17 Medina is pulling Item 20.

18 Any others?

19 Okay, we have items 23, 34, 35, 37, 39, 51 and 52  
20 remaining.

21 BOARD MEMBER JONES: Madam Chair.

22 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

23 BOARD MEMBER JONES: I'd like to move adoption of  
24 the consent calendar, items 23, 34, 35, 37, 39, 51 and 52.

25 BOARD MEMBER MEDINA: Second.

1 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a  
2 motion by Mr. Jones seconded by Mr. Medina to approve  
3 Items 23, 34, 35, 37, 39, 51 and 52.

4 Please call the role.

5 SECRETARY VILLA: Eaton?

6 BOARD MEMBER EATON: Aye.

7 SECRETARY VILLA: Jones?

8 BOARD MEMBER JONES: Aye.

9 SECRETARY VILLA: Medina?

10 BOARD MEMBER MEDINA: Aye.

11 SECRETARY VILLA: Paparian?

12 BOARD MEMBER PAPARIAN: Aye.

13 SECRETARY VILLA: Moulton-Patterson?

14 CHAIRPERSON MOULTON-PATTERSON: Aye.

15 Okay, the consent calendar is approved. Also, I  
16 would like to mention we'll hear Agenda Item 41, on  
17 conversion technologies at 1:30 p.m. time certain  
18 tomorrow.

19 And that brings us to continued business agenda  
20 Items, number one.

21 Mr. Schiavo.

22 DEPUTY DIRECTOR SCHIAVO: Okay. Pat Schiavo.

23 BOARD MEMBER EATON: Madam Chair, before Mr.  
24 Schiavo goes, I think I only have one ex parte.

25 CHAIRPERSON MOULTON-PATTERSON: Oh, I'm sorry,

1 Mr. Eaton.

2 BOARD MEMBER EATON: That's fine. It's not a big  
3 deal. Usually I'm up to date, but I got a fax late Friday  
4 from the City of San Diego regarding the health risk  
5 assessment contracts.

6 That's it.

7 CHAIRPERSON MOULTON-PATTERSON: Okay, thank you,  
8 Mr. Eaton.

9 Okay, Mr. Schiavo.

10 DEPUTY DIRECTOR SCHIAVO: Okay. Pat Schiavo,  
11 Diversion Planning and Local Assistance Division. And  
12 this item is consideration of staff recommendation on the  
13 application for an SB 1066 time extension by the City of  
14 Loma Linda San Bernardino county Kaoru Cruz will be making  
15 this presentation.

16 MS. CRUZ: This item was continued from last  
17 month's agenda. Last month's meeting the board raised a  
18 concern regarding the extent of information provided on  
19 the analysis of the city's SB 1066 request. Due to this  
20 concern, there was extensive discussion as to the review  
21 process for the SB 1066 request at this month's Board  
22 briefing.

23 Also, board staff presented additional  
24 information that can be included in the future SB 1066  
25 request agenda items. As a result of briefing, changes

1 have been made to the options for the Board's consolation.  
2 Please refer to the handout that have been provided to  
3 you.

4           Option number 2 was modified. And options 3 and  
5 4 where added for board consideration. In summary, there  
6 are three options, the Board may consider to approve a  
7 time extension request, option 1 through 3. And there are  
8 2 options, number 4 and 5, the Board may consider when  
9 disapproving a request.

10           With regards to the history behind the City of  
11 Loma Linda's SB 1066 time extension request, the City was  
12 given a compliance order as a result of the 1995/96  
13 biennial review. Board staff conducted an assessment of  
14 the City's program implementation at that time and it's  
15 relationship to the City's wastestream.

16           Together, the city and the Board staff developed  
17 a plan of correction to be included as part of the City's  
18 compliance order that required the City to conduct a new  
19 base year generation study and review its existing program  
20 implementation relative to the findings of that new study.

21           The City's new base year study was approved at  
22 the January Board meeting. Result of the new base year  
23 generation study indicated that the City had been  
24 successfully targeting its residential waste stream.

25           For example, over one-third of the City's



1 diversion was from its residential sector, but that there  
2 were gaps in diversion programs that targeted the  
3 commercial sector, which was found to be the larger  
4 sector.

5           The City has since implemented programs that  
6 target its larger commercial sector. However, it would  
7 need additional time to see the fruits of its labor, which  
8 is the basis for the City's request for the time  
9 extension.

10           Therefore, board staff feel that the city has  
11 demonstrated a good faith effort and is requesting that  
12 the Board approve its SB 1066 time extension.  
13 Representatives from the cities are present to answer any  
14 questions.

15           This concludes my presentation.

16           Thank you.

17           CHAIRPERSON MOULTON-PATTERSON: Thank you.

18           Questions?

19           Mr. Paparian.

20           BOARD MEMBER PAPARIAN: Yeah, thank you Madam  
21 Chair. Now, are we talking about the 1066 options as part  
22 of this agenda item?

23           DEPUTY DIRECTOR SCHIAVO: Yeah, those would be  
24 available as well.

25           BOARD MEMBER PAPARIAN: Okay, because --

1               DEPUTY DIRECTOR SCHIAVO: They're based on our  
2 Discussion last week at the briefing.

3               BOARD MEMBER PAPARIAN: On that particular thing,  
4 I still I mean I've only had a chance to look at this  
5 quickly, but I still believe the Board has the option as  
6 it reviews a 1066 extension to recommend changes from the  
7 dais. And, you know, when we have the agenda items come  
8 to us, I think that is a clear option that we would have  
9 would be to recommend changes and then ask the City to  
10 come back at a future board meeting and either accept our  
11 changes or not accept our changes as they choose fit.

12              And then if they choose not to, then we have  
13 these other options, but I think we do have, under the  
14 law, a clear ability to recommend changes without  
15 specifically having to disapprove a plan or approve a plan  
16 as we're recommending those changes.

17              DEPUTY DIRECTOR SCHIAVO: Yes, that's an option.

18              CHAIRPERSON MOULTON-PATTERSON: You know, I would  
19 agree too. And one of the things about the new  
20 committees, some of those suggestions might come out in  
21 the Subcommittee also, but certainly we reserve our right.

22              Mr. Eaton.

23              BOARD MEMBER EATON: Mr. Schiavo, what if we were  
24 to grant a three-year period of time from which then to  
25 meet their statutory obligation, what intervening

1 reporting and/or mechanisms are available to us for  
2 tracking purposes. We don't want to get to, you know, in  
3 the 36-month period to the 30 month and then find out  
4 something isn't working.

5           Is there someway that, following up on Mr.  
6 Paparian's point, that we can kind of put into a process,  
7 either a reporting process back to us or a progress, you  
8 know, as long as each year there is a requirement that a  
9 city or a jurisdiction must, you know, report to the Board  
10 as opposed to reporting to staff, so that we can keep a  
11 handle on it?

12           DEPUTY DIRECTOR SCHIAVO: Sure. There appears to  
13 be flexibility in the law that way, where you can require  
14 a report twice a year, quarterly, if you'd like, annually,  
15 you have the flexibility, depending on your level of  
16 interest and concern.

17           BOARD MEMBER EATON: Okay, thank you.

18           CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

19           BOARD MEMBER JONES: Yeah. I think that the  
20 recording, for me at least, once a year with an update if  
21 members want it sooner, that's fine. But I do want to go  
22 to Mr. Paparian's question, because I think we did talk  
23 about it at the briefing. But if maybe through the  
24 Committee system, we can review these and say have you  
25 thought about this or have you thought about that, but I'm

1 wondering, from a legal standpoint, if we say you should  
2 do this kind of program and it fails, who's liable for  
3 that failure?

4 Because clearly the City is coming forward with  
5 their idea of how they may be able to get there, and  
6 they're doing it with day-to-day information. And if we  
7 suggested a program that fails or it somehow hinders, then  
8 how much liability are we going to accept for giving that  
9 direction, if we mandate it?

10 CHAIRPERSON MOULTON-PATTERSON: Good point, Mr.  
11 Jones.

12 BOARD MEMBER PAPARIAN: I think it's an  
13 interesting question, but I think the law is actually very  
14 specific in allowing us to make recommendations. It  
15 says --

16 BOARD MEMBER JONES: I don't question that. What  
17 I'm questioning is if you exercise that part of the law,  
18 what are you going to do to be held responsible for it?  
19 If a city fails because of one of our recommendations,  
20 what's our responsibility in that?

21 BOARD MEMBER PAPARIAN: I think that's something  
22 to bring up as -- if and when we bring up recommendations.

23 BOARD MEMBER JONES: Okay, but I just wanted it  
24 out there, because I thought about what your comments  
25 were, and clearly these are a pallet of different colors

1 to try to make a picture, locally. And I don't have a  
2 problem with even asking more questions as to why they're  
3 doing certain programs, but if we were to say, I think you  
4 should institute this kind of a program, that's going to  
5 take dollars. And if it fails, and maybe it -- or maybe  
6 they didn't want to do but we said you had to do it, how  
7 are we going to have ownership of that?

8 BOARD MEMBER PAPARIAN: I think in a more extreme  
9 sense when we do compliance orders often we do similar  
10 recommendations or mandates essentially to the cities that  
11 implement programs, so I mean it's not a brand new issue  
12 for us.

13 CHAIRPERSON MOULTON-PATTERSON: I'm going to come  
14 back to you, Mr. Paparian, but Senator Roberti is here and  
15 I wanted to make sure that he got an opportunity to report  
16 any ex partes.

17 Senator?

18 BOARD MEMBER ROBERTI: I'm up to date.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you,  
20 Senator.

21 Mr. Paparian.

22 BOARD MEMBER PAPARIAN: Thank you. If we're done  
23 with the 1066 list, I wanted to get on to Loma Linda.

24 Okay.

25 I do have some -- as I said at the last meeting

1 and I said at the briefing that I wanted to come up with  
2 some resolution language to address my concerns that this  
3 not be considered a precedent for other localities. I had  
4 some problems with the 1066 request when looked at in  
5 isolation by itself. When looked at together with the  
6 item that we approved on Loma Linda last month and other  
7 information that we have and the staff audits of Loma  
8 Linda, when taken as a package, I'm more comfortable with  
9 it.

10           So I want to read the resolution, then I wanted  
11 to make should comments about Loma Linda. What I wanted  
12 to do was add a whereas clause in the resolution, and  
13 members should have copies of this.

14           The whereas would read, "Whereas, the review of  
15 this request was based in part on information about  
16 program implementation that the Board possessed as a  
17 result of audits that board staff conducted to evaluate  
18 the City's request for a new base year, and as a result of  
19 the City's completion of a compliance order, and therefore  
20 the Board's review of this 1066 time extension is unique.  
21 And its approval should not be considered as a precedent  
22 for subsequent requests from other jurisdictions.

23           CHAIRPERSON MOULTON-PATTERSON: Okay. If you  
24 don't have a -- does everybody have a copy of this?

25           CHAIRPERSON MOULTON-PATTERSON: Yes, I do.

1               BOARD MEMBER PAPARIAN:   Okay.   On Loma Linda  
2   itself, just a couple little comments.   Loma Linda has one  
3   of the more active consultants on board helping them out.  
4   And I actually went and took a look around Loma Linda.   I  
5   asked the question last month, if I went to City Hall  
6   would I be able to see all the recycling bins and it would  
7   be very visible?

8               And I went to City Hall, and actually to be  
9   honest, when I walked around City Hall I did not see the  
10   recycling bins.   I saw the big dumpster in the parking lot  
11   for recycling in the corner of the parking lot for people  
12   to drop off.   But one of the suggestions I would have, Mr.  
13   Tsang, is you may want to work with the City to make  
14   recycling more visible in the local government offices  
15   because it's certainly wasn't to me as I walked through  
16   there.

17              When I went over to the library, a very nice  
18   library right next door, I took a look at the City Council  
19   agendas that are available for the public to look at and  
20   noted agendas as recently as January, 100-page agendas  
21   with all the attachments and so forth all single sided.  
22   That's one of the, you know, first and easiest things that  
23   we can do is double side our copies and reduce the amount  
24   of paper.

25              I don't know if others receiving council agendas

1 receive them double sided, but certainly the library  
2 receives them single sided.

3 I also note that, you know, there's some items in  
4 here that ought to be fairly easy to implement. There's a  
5 very nice park that the City has that seems to get a fair  
6 amount of use. There's no recycling bins at the park. I  
7 think that's actually in your 1066 request that you're  
8 actually going to start implementing some of the recycling  
9 bins at the park.

10 There's some very nice local newspapers there.  
11 The Chamber of Commerce has a circulation 10,000  
12 newspaper, the Loma Linda report and I know that Mr.  
13 Tsang's clients are members of the Chamber of Commerce.  
14 If it's printed on recycled paper, I can't find it. It  
15 may be in here, but I couldn't find any indication that  
16 it's printed on recycled paper.

17 But in terms of bringing the community on board  
18 and helping the markets, I think that working with the  
19 community, working with folks, like the Chamber of  
20 Commerce and others to make sure that they're using  
21 recycled content products and promoting the recycling  
22 ethic is important to the overall success of all our  
23 programs.

24 So when we're ready Madam Chair, I'd like to make  
25 the motion.



1                   CHAIRPERSON MOULTON-PATTERSON:   Okay, I'm going  
2 to come right back to you, but Senator Roberti would like  
3 to speak.

4                   BOARD MEMBER ROBERTI:   Yes Madam Chair, I'm  
5 concerned that if we give Loma Linda an extension when  
6 earlier on they did not seem to comply with the one  
7 mitigation which was major, and that was the construction  
8 of a MRF, and they're at 38 percent now, then in my humble  
9 estimation, we might as well put the entire 50 percent  
10 diversion rate into a hat and toss it away, because there  
11 are going to be few cities or jurisdictions coming before  
12 us that are going to have a less compelling case than Loma  
13 Linda, which seems to have the least compelling case.

14                  Since they didn't do what they set out to do and  
15 that is the construction of the MRF, I can't remember how  
16 many years ago, and now we're talking in terms of a  
17 three-year extension.

18                  So I'm afraid this is going to be a first of a  
19 steady progression of 1066s, which, in effect, will render  
20 our 50 percent compliance almost nebulous, and, you know,  
21 render our terms of office here as, with all respect to my  
22 colleagues, wonderful paychecks, but really in the long  
23 run achieving nothing as far as compliance.

24                  We, at some point, have to reject what a city  
25 does when they are not complying.   And when the minimum

1 hasn't been complied with and that is construction of the  
2 MRF, we have to say no, and have the nerve to say no  
3 because I know it's very, very tough. I have nothing  
4 against Loma Linda. It's a wonderful place with a great  
5 hospital.

6 But I think this probably is going to be one of  
7 the least compelling cases that comes before us. Their  
8 numbers are low, and they haven't done what they set out  
9 to do, and told us they were going to do. And if we a  
10 approve a three-year extension on this one, we might as  
11 well just ditto this for every other case that's coming  
12 up, because everybody will point to Loma Linda and say you  
13 did it for them and we have a much stronger case than they  
14 do. So I intend to vote no, and I believe that Loma Linda  
15 should be on a compliance order.

16 CHAIRPERSON MOULTON-PATTERSON: Thank you,  
17 Senator.

18 Any other comments?

19 Mr. Jones and then Mr. Eaton.

20 BOARD MEMBER JONES: Thanks Madam Chair, I'm  
21 going to either make the motion or second Mr. Paparian's  
22 motion, because I think that the issue of the MRF is  
23 important, and I think it's something that needs to be  
24 investigated. I remember there was a time when it was  
25 pretty much advertised, and this Board took action that

1 you can't just go out and keep doing new base years and  
2 figure compliance based on a base year's fictitious  
3 number.

4           This 38 percent has been audited by our staff and  
5 is a legit 38 percent. We've built an infrastructure in  
6 this state that goes up and down this state and we built  
7 it in ten years, which is incredible. We lead the nation  
8 in what we're doing.

9           The fact that SB 1066 gives jurisdictions a  
10 chance, it also has on it the conditions that they review  
11 their programs, look at what they need to change and  
12 continue towards compliance with the law. And I think  
13 when we tie that with the SB 2202, where not only do they  
14 get this time period to help get to the next level for  
15 them, every two years this Board is going to look at the  
16 biennial reviews and determine whether or not a  
17 jurisdiction is in compliance, still in compliance, making  
18 a good faith effort or not making a good faith effort.

19           That's something that the law when originally  
20 written didn't include. So we're going to get a bite of  
21 this apple every two years to make sure that jurisdictions  
22 continue to comply. And if they don't comply, and we put  
23 them on a compliance order, and they don't comply with the  
24 compliance order, then it's time to fine that  
25 jurisdiction.

1           But I think the law was carefully crafted. And I  
2 think the law also with SB 1066 giving jurisdiction's time  
3 to modify their programs as long as the modification, in  
4 my mind, is not the creation of compliance by some  
5 numerical mystery, but actually real programs, then I've  
6 got no problem with supporting local government to do  
7 that.

8           And I think that actually the way I feel about it  
9 is that that is exactly why we were put on this Board to  
10 make sure that we keep the pressure on, that we keep  
11 people moving forward. And I think we don't give  
12 ourselves enough credit, that this State is at 42 percent  
13 diversion, and they did that through a lot of hard work  
14 and a huge amount of investment by both citizens industry  
15 and local government.

16           So if Mr. Paparian's going to make motion after  
17 Mr. Eaton's comments, I'll second it.

18           CHAIRPERSON MOULTON-PATTERSON: Thank you.

19           Mr. Eaton.

20           BOARD MEMBER EATON: Yes, thank you, Madam Chair.  
21 I think all of the points have been salient. And I think  
22 the digestive track for all us is starting to constrict a  
23 little bit as to what we're willing to swallow and what  
24 we're willing to pass through.

25           My point here and the point that I raised a

1 couple of weeks ago, with all due respect, Mr. Jones, the  
2 biennial review, the problem that I have with the biennial  
3 review is that, yes, they're completed every two years,  
4 but by the time this Board gets to see them, we have at  
5 least let another 6 to 8 months go, so it's really three  
6 years for us to review them, and that's the problem with  
7 the reporting period.

8           That's no fault of anyone. That is not a value  
9 judgment, but I think that it's true, it's in the law, but  
10 by the time we get to see that, it's not really there.

11           Therefore, a reporting requirement that's on a  
12 much more regular basis, much like what we do with some of  
13 these jurisdictions, whether it be Loma Linda or others, I  
14 think is really appropriate. And more importantly, I  
15 think for a city like Loma Linda, 18 months, I could  
16 never -- I thought, you know, two years was great. And I  
17 understand that a year is very difficult because it takes  
18 time for the local governments to work through their  
19 political process, their financial process, et cetera.

20           But three years is a long time to let a  
21 jurisdiction such as Loma Linda -- I'd be willing to  
22 accept 18 months with a reporting requirement, because at  
23 least at that point if they continue to fail to meet what  
24 they say they're going to do as they have already proven  
25 in the past, ergo Senator Roberti's points, we will at

1 least have an opportunity early on in the quarterly or  
2 every six month reporting to see that, and to be able to  
3 intercede. And I think that's a compromise that I will  
4 offer up.

5 But if it's going to be three years, I can't  
6 accept that either, because it's just letting it go too  
7 far. And by that time we will have no ability by which to  
8 make any kind of mid-course correction. And further more,  
9 one more point, that just by approving the corrective  
10 action plan, we are, in essence, condoning and saying we  
11 don't leave ourselves a way out.

12 So it's kind a six to one half a dozen to the  
13 other, in a sense that, if we go in and tell them what  
14 programs to do, we are, in essence, telling them, yes, you  
15 know, the liability for us really is is that we have all  
16 tried to go hand in hand and therefore no harm, no foul,  
17 good faith effort like we've done in the compliance area,  
18 but just to proving an overall corrective plan.

19 So I would ask my colleagues to consider, at  
20 most, an 18-months with Loma Linda and with stringent  
21 reporting requirements that are brought before the Board  
22 or the Special Waste or whatever appropriate subcommittee  
23 there is, so that we can see the progress that Loma Linda  
24 is making both with the commitments they've made to this  
25 Board, because that's the key component, if they make a

1 commitment, then they ought to keep it as we're making a  
2 commitment to provide whatever resources we can through  
3 our programs.

4               So with that, that would be something that I  
5 would ask you to or Mr. Paparian, whoever is going to make  
6 the motion, to consider.

7               CHAIRPERSON MOULTON-PATTERSON: Mr. Medina is  
8 next and I'd like to speak and then Mr. Jones.

9               BOARD MEMBER MEDINA: Yes, Madam Chair. I must  
10 say that I have to agree with both Board Member Paparian  
11 and Board Member Jones in regard to their concerns  
12 regarding local government, having come from local  
13 government myself.

14              However, I think that what Senator Roberti and  
15 Board Member Eaton have to say is very valid. I, myself,  
16 am concerned that Loma Linda did not meet the diversion  
17 goal by implementing a MRF in 1994 and other programs.

18              Whereas other jurisdictions have met the goal,  
19 and already have received a compliance order. And as  
20 former board member used to say, it's not bad being placed  
21 on a compliance order given that the Board is committed to  
22 assisting the jurisdictions in achieving the required  
23 diversion goal, and that our staff is ready and able to  
24 provide the technical assistance required.

25              Even though, the three-year extension is not

1 meant to be precedent setting. I'm afraid that it will  
2 be. And so, at the same time, I don't want to deny the  
3 extension of time for Loma Linda, and so I also would  
4 favor an 18-month extension with the required reporting.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
6 Medina. I share your concerns having come from local  
7 government also. But I do think it's too long, and I'd  
8 rather see something back in 18 months. I mean some of us  
9 won't even be on this Board, and you lose the history.  
10 And I certainly think that there could be some reporting.

11 I'm not ready to vote for compliance, at this  
12 point, but, you know, on the other hand, I would like to  
13 see some reporting back.

14 Can be that be done?

15 DEPUTY DIRECTOR SCHIAVO: Yes.

16 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

17 BOARD MEMBER JONES: Thanks, Madam Chair. And  
18 along those lines, you're going to get a chance, Mr.  
19 Schiavo, because I want to ask you the same question. And  
20 I appreciate Mr. Eaton's comments, and all of my  
21 colleagues' comments, but I do have a question.

22 Do we have an ability through SB 1066 in the  
23 mechanism that you've set up, and especially since the  
24 Chair announced today that we're going to go into  
25 committees, which is going to give us a monthly ability to



1 do our business, do we have the ability if we were to give  
2 a three-year extension to have not only a requirement of a  
3 progress reporting every six months or whatever is the  
4 Board's pleasure, but at the 18-month interval that they  
5 come in front of the Committee for a formal review to give  
6 us an update as to what parts of their plan they've  
7 implemented, where are they at in the stage, so that we  
8 cannot get caught off guard, that, in fact, that the end  
9 of a three-year period nothing's been done other than  
10 maybe some magic.

11 I don't know if that appeases what some of the  
12 questions are, but it would seem to me it would give us a  
13 real hands-on notification. And like any other program  
14 you try to implement it, and at some point, you evaluate  
15 you it and you revise it. This 18-month review by the  
16 Committee would facilitate actually evaluating and  
17 revising it. Is that legally possible or could it be part  
18 of the commitment, I mean, part of the resolution?

19 DEPUTY DIRECTOR SCHIAVO: Well programmatically,  
20 I believe we have a lot of discretion whether or not we go  
21 over the legal -- I mean Elliot would have to answer that,  
22 I don't believe we would.

23 BOARD MEMBER JONES: You don't believe we would  
24 have the authority to do that?

25 DEPUTY DIRECTOR SCHIAVO: We would be going over

1 beyond the law. The law gives us a lot of discretion  
2 regarding the reporting back to the Board on the progress.  
3 I mean, as far as the how often, what kind of reporting,  
4 that is, it's not specific at all. So I believe we would  
5 have a lot of discretion whether it's 18 months, 36 months  
6 whatever.

7 BOARD MEMBER JONES: Okay, and I don't know if  
8 this appeases the members' concerns, and I agree with  
9 their concerns. I just look at from a little -- it takes  
10 awhile to get this stuff purchased and implemented, but if  
11 we had a mechanism as part of these compliance orders that  
12 they come into committee for a formal review, and I'm just  
13 saying committee, we should be able to look at their menu  
14 and you should be able to make like three columns that  
15 says where you are, what's your progress, what's  
16 remaining, if you are you've done the program, what's the  
17 participation rate, what kind of -- you know, does this  
18 meet your expectation or doesn't it? And if it does,  
19 fine, if it doesn't, what are you doing to do to improve  
20 that?

21 I mean, would that -- does that sort of -- what  
22 I'm trying to fashion here, I know you know that, is give  
23 the cities the time, but to give us the oversight at  
24 six-month intervals -- I mean at year and a half that we  
25 get an actual progress report, because that would still

1 give a jurisdiction 18 months to make the revisions. I  
2 don't know if that --

3           CHAIRPERSON MOULTON-PATTERSON: I think in  
4 looking at the Committee, I just appointed Mr. Paparian,  
5 Mr. Eaton and Mr. Jones on the Diversion, Planning and  
6 Local Assistance Subcommittee, there's a variety of  
7 outlooks. And I think if we could have an 18-month status  
8 report get to that committee within two months of its  
9 submittal, you know, make sure it gets there, I think that  
10 the Committee -- if the whole board needs to see it, it  
11 could, but at least it would get to the Committee. I  
12 think that would be a step in the right direction. I  
13 don't know how you feel about that, Mr. Eaton.

14           BOARD MEMBER EATON: Madam Chair, I think we're  
15 close, and we're trying to balance the competing  
16 interests. What I would say is that any time you have a  
17 report submitted, then you need some time by which to  
18 evaluate that report.

19           So I would say that after a year they have to put  
20 it in. And I would go so far as to say rather than an  
21 18-month extension, a two-year extension, and that would  
22 give a year after you've got your first report to get a  
23 progress in. And more importantly, they do have the  
24 option to apply for an additional extension.

25           So if they, after the first 24-months, i.e. a

1 two-year period, show that they are moving along, then  
2 it's really almost proforma that they get the other -- the  
3 next things, and that would then give them the ability.

4 But I think we have to maintain some level of  
5 pressure on those individuals who work within the  
6 departments, and we all know the reality right here that  
7 there's competing interests. And the only time that the  
8 dog barks around here is when we, once in awhile, come  
9 around and give a little bite. I think by keeping the  
10 pressure in a short period of time, we have the ability to  
11 look at what's going on and keep a closer handle on it.

12 So I'll go so far as giving a two-year extension,  
13 but after the first year, to be able to have -- to get  
14 them a report, or if you think, you know, one year is too  
15 short a time for reporting, then what we'll do is, you  
16 know, like within 15 months or something like that in half  
17 time, we'll get an idea of like, you know, what the  
18 half-time report is, because that will give us the  
19 opportunity to go out and actually see.

20 It also bothers me that we have a representation  
21 where recycling bins where there, and Mr. Paparian a  
22 fellow board member goes out there and sees nothing. So  
23 it's those kinds of things with this particular  
24 jurisdiction that leads me not to go much further than two  
25 years. And I'm just doing it because I think that it is

1 the first one.

2 CHAIRPERSON MOULTON-PATTERSON: Okay.

3 STAFF COUNSEL BLOCK: Madam Chair.

4 CHAIRPERSON MOULTON-PATTERSON: Let's see, I have  
5 a lot of people that want to speak.

6 Mr. Paparian and then Mr. Block.

7 BOARD MEMBER PAPARIAN: I was actually going to  
8 ask the legal staff how we would frame, if it's two-year  
9 extension with a one-year report --

10 STAFF COUNSEL BLOCK: Elliot Block for the legal  
11 office.

12 Actually, just a couple of quick comments. In  
13 terms of the legal authority question that was raised  
14 earlier, certainly the Board does have the general legal  
15 authority. Obviously, they have the authority to  
16 disapprove the request in total. So, obviously, there's  
17 some room in there for the Board to move.

18 The more difficult part of the question is the  
19 logistics of how this proceeds. The jurisdiction has  
20 submitted a three-year request. It's a plan that shows  
21 how they will meet 50 percent in three years. If the  
22 Board is now going to -- is indicating they want to make  
23 that a two-year time period, currently there is no plan  
24 that shows them meeting 50 percent in two years. And so  
25 there needs to be an opportunity potentially for the

1 jurisdiction to revise that plan, to show how they'll meet  
2 50 percent in two years. And then also the other issue  
3 about exactly how you're -- the reporting is going to  
4 be -- what might need to be put in there.

5           So third comment I wanted to make is you probably  
6 want to ask the jurisdiction to speak here today to see.  
7 It's possible, they may be willing to and able to now to  
8 say they can make those changes as a of now, in which case  
9 the logistics become very easy.

10           I'm personally not familiar with exactly how the  
11 plan timelines are set out, if they can commit to  
12 shortening those here today, in which case it's easier.  
13 If they're going to need some time to revise that plan of  
14 correction to be a two-year extension, then we probably to  
15 have to bring them back again next month.

16           CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
17 Block. Would the City's representative come forward and  
18 let us now how you feel about this.

19           MR. BARTON: Yes, my name is Dennis Barton. I'm  
20 the Public Works Superintendent for the City of Loma  
21 Linda.

22           Obviously, we'd like to go with the three years.  
23 The reporting requirements we can come in 18 months, we  
24 can come in a year, every year and give you an update on  
25 the progress that's being done.

1           I'm a little dismayed, Mr. Paparian, indicated he  
2 didn't see the recycling bins. You're right, we have one  
3 outside. And all the rest of them at every work station  
4 are the little blue containers for recycling, so I  
5 apologize you didn't see those.

6           BOARD MEMBER PAPARIAN: In the public areas there  
7 are quite a few trash bins. Like, for example, outside  
8 the City Hall Chambers where you would expect people to  
9 have a lot of people that they would dispose of after, you  
10 know, a meeting and so forth, and there are no -- in the  
11 public areas there was no visible recycling containers.

12           MR. BARTON: You're correct, and we'll work on  
13 that. We'll get that done. On the parks, I would  
14 indicate that the recycled bins from DOC have been  
15 received and we'll be installing those within the next  
16 month, not only in the parks area, but in the trail areas  
17 that we've indicated.

18           And I will check on and make sure that chamber  
19 paper is being used on recycled paper or that there's an  
20 indication on it that indicates that.

21           BOARD MEMBER PAPARIAN: I think -- go ahead.

22           MR. BARTON: The reporting requirements, again,  
23 we can do that annually. As you've indicated they're  
24 startup. We feel we are making progress. We feel that  
25 that's the whole idea of this is making progress. So the

1 two years, again, we'll have to go back and reanalyze our  
2 plan. I think we can, but we need to look at that.

3 CHAIRPERSON MOULTON-PATTERSON: Senator Roberti,  
4 and then I had a question.

5 BOARD MEMBER ROBERTI: Have we ever heard why the  
6 City of Loma Linda did not build the recycling facility?

7 MR. BARTON: Well, I believe it's because there  
8 was a whole bunch of them proposed around the area to be  
9 constructed. So there really wasn't -- I don't believe  
10 there was really a thought or a need to do that at the  
11 time, after things got going. I would have to go back and  
12 really look at the why. For the last few years I couldn't  
13 answer that.

14 BOARD MEMBER ROBERTI: Was that lack of need, the  
15 perception of a lack of need on the part of Loma Linda  
16 communicated to the Board?

17 MR. BARTON: I can't answer that. I don't know.  
18 I would say during this last couple years, probably so.

19 BOARD MEMBER ROBERTI: Because a major concern of  
20 mine is that when the representative of a jurisdiction  
21 comes before the Board and says they are going -- I'm sure  
22 probably it wasn't you, and says they are going to make a  
23 major effort to comply with the diversion requirement, and  
24 then don't do it, at some point that has to be treated a  
25 serious business. Both by the City and by this Board.



1                   And if it's just sort of treated as oops we  
2 didn't do it and oops you should have, then, you know, it  
3 renders presentation before this Board, you know,  
4 relatively meaningless. So I'd be interested as to why.

5                   MR. BARTON: I will check on it and see if I can  
6 find the answer for you.

7                   CHAIRPERSON MOULTON-PATTERSON: I just had one  
8 quick question. And I understand that the Loma Linda  
9 hospital is a private organization at 78 Venice. It's  
10 nationally recognized, but it's very, very big. And maybe  
11 could you review with me again what efforts you've made to  
12 work with them on recycling efforts or what efforts you  
13 might have planned for the next two years.

14                  MR. BARTON: Yes. We've worked with them, and  
15 actually they've got some pretty good programs going on  
16 themselves. One of the things that we want to look at is  
17 food waste recycling and see if that's feasible for them.

18                  They have built into all of their construction  
19 contracts at this time a C&D program, so that it's in  
20 every construction contract according to our contacts  
21 there in the construction management area.

22                  So that's where we've been working with them.

23 And I think --

24                  MR. TSANG: Eugene Tsang a consultant for Loma  
25 Linda.

1                   What is the question again?

2                   MR. BARTON: Do you remember what their diversion  
3 rate was, isn't a year and a half ago?

4                   MR. TSANG: We actually did a case study. I  
5 don't remember the exact diversion number. I think it was  
6 in the low 40 percent, in and of itself. They have a  
7 pretty extensive paper program in some buildings, but not  
8 all the buildings. And I think we're attacking the issue  
9 through a wet dry. But as I indicated before, the wet dry  
10 particularly with the paper from the medical offices, we  
11 have to be very careful with the fugitive medical wastes.

12                   The other issue is the food waste in the school,  
13 because the cafeterias and also the hospital, that is a  
14 major component, and we're doing a pilot program, have  
15 that planned for this year, but those are the two top  
16 waste stream components in that area.

17                   In addressing the MRF, it isn't the PARIS form  
18 that the city wasn't investigating a MRF with other  
19 cities, and that the materials are being taken to a MRF in  
20 another city. There is sufficient capacity. And we've  
21 been working with their hauler, they found it more cost  
22 effective to use existing capacity rather than to build a  
23 new one.

24                   BOARD MEMBER ROBERTI: Mr. Tsang, was that MRF in  
25 existence at the time?

1 MR. TSANG: Yes.

2 BOARD MEMBER ROBERTI: Was it in existence in  
3 1995?

4 MR. TSANG: No. These are recent MRFs. They  
5 were built after the submission of the SRRE. And they've  
6 been updating -- the city has been updating in the PARIS  
7 form since 1995, but they've been working with other  
8 city's and taking materials out of the City to other MRFs,  
9 so that's why they haven't built a MRF themselves. It's a  
10 very small. There's less than 400 businesses.

11 BOARD MEMBER ROBERTI: I understand that, but  
12 wasn't the original request to -- wasn't the original  
13 position taken by the City that they were going to build a  
14 MRF?

15 MR. TSANG: The original position with all the  
16 regional studies was they were going to look at building  
17 their own MRFs. But as MRFs developed, they developed  
18 their natural waste sheds, and it was found that they  
19 didn't need to build a MRF so they used a MRFs outside of  
20 the city.

21 BOARD MEMBER ROBERTI: I understand that. My  
22 point, as much that they should have complied with the  
23 building of the MRF, is that is a decision that Loma Linda  
24 should not have made on its own, since they made a request  
25 of the Board to, in effect, I believe give an extension in

1 1995 on the 25 percent requirement. And then they didn't  
2 comply with the extension, because they decided that a  
3 regional MRF was better, and maybe it was, but that's a  
4 decision that the Board should have made.

5 CHAIRPERSON MOULTON-PATTERSON: Okay, Mr.  
6 Paparian.

7 BOARD MEMBER PAPARIAN: Yes. I think the Board  
8 members have all pretty much declared themselves about how  
9 they feel about this thing. And what I'm sensing is that  
10 there's not enough votes. I think it's pretty clear  
11 there's not enough votes for a three-year extension that  
12 if we were talking about a two-year extension with a  
13 one-year report, that there appears to be the votes for  
14 that, from what I'm hearing people say at the dais.

15 What I'm hearing the representative from Loma  
16 Linda saying is he's not quite sure -- he's not quite  
17 ready to go there. I'm wondering --

18 CHAIRPERSON MOULTON-PATTERSON: I thought he said  
19 that he could go for a three-year with one year reports,  
20 but he couldn't go for a two-year, was that right?

21 BOARD MEMBER PAPARIAN: Yeah. And what I'm  
22 trying to express is that I don't -- unless anybody has  
23 been swayed up here, I'm not seeing enough votes for this  
24 thing to get out, and I'm wondering, if perhaps, the City  
25 wants to ponder the situation a little bit, maybe over our

1 morning break and, you know, consult with our staff and so  
2 forth before we actually take a vote on this.

3 CHAIRPERSON MOULTON-PATTERSON: That sounds good  
4 and we do need a morning break, so we're going to take ten  
5 minutes and we'll be back to you.

6 MR. BARTON: Okay.

7 (Thereupon a brief recess was taken.)

8 CHAIRPERSON MOULTON-PATTERSON: I'd like to call  
9 our meeting back to order, please.

10 Ex partes.

11 Mr. Eaton.

12 BOARD MEMBER EATON: I spoke with Chuck Helgut  
13 momentarily on Item number 49, which is the base year  
14 change for Daly City.

15 CHAIRPERSON MOULTON-PATTERSON: Thank you.

16 Mr. Jones.

17 BOARD MEMBER JONES: Jim Hemminger from RCRC on  
18 landfills.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
20 Medina.

21 BOARD MEMBER MEDINA: None to report.

22 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

23 BOARD MEMBER PAPARIAN: None.

24 CHAIRPERSON MOULTON-PATTERSON: Senator Roberti.

25 BOARD MEMBER ROBERTI: None to report.

1 CHAIRPERSON MOULTON-PATTERSON: And I have none.

2 Okay, we're still on Item number 1. Did the  
3 cities representative, I'm sorry, I've forgotten your  
4 name, could you restate your name for the record?

5 MR. BARTON: Dennis Barton Loma Linda.

6 CHAIRPERSON MOULTON-PATTERSON: Okay. Did you  
7 wish to make any statement?

8 MR. BARTON: Yes, we can go with the two years.  
9 Looking at our plan, our implementation is really the  
10 major implementation is in two years. We needed a third  
11 year really to evaluate those programs, see how it's  
12 working if we needed to add a do the reporting, so we can  
13 do the two years and the one-year reporting.

14 CHAIRPERSON MOULTON-PATTERSON: Okay, thank you.  
15 We look forward to working with you if it's granted.

16 Mr. Paparian.

17 BOARD MEMBER PAPARIAN: Okay. Here's what I'd  
18 like to suggest based on that, is that I'd like to go with  
19 the revised resolution with the whereas language that I  
20 read this morning, make the change to a two-year extension  
21 per the city's statement just now.

22 And then in terms of reporting, we've heard  
23 several numbers, number of months come suggested for  
24 reporting.

25 Here's what I'd like to suggest is that we get a

1 progress report every six months, that we review it in a  
2 year by the subcommittee so that we get the reports every  
3 six months. If we saw anything, we could certainly ask  
4 for a review sooner, but in terms of anymore formal review  
5 of where we're at, we'd have the Subcommittee do that at  
6 the one-year timeframe.

7 CHAIRPERSON MOULTON-PATTERSON: And that's in the  
8 form of a motion?

9 BOARD MEMBER PAPARIAN: Yes. Have you got that?

10 CHAIRPERSON MOULTON-PATTERSON: Okay.

11 BOARD MEMBER JONES: Madam Chair.

12 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

13 BOARD MEMBER JONES: I will second Mr. Paparian's  
14 revised motion.

15 CHAIRPERSON MOULTON-PATTERSON: Okay, so we have  
16 a motion by Mr. Paparian, seconded by Mr. Jones to approve  
17 resolution 2002-48 with the revisions.

18 Please call the role.

19 SECRETARY VILLA: Eaton?

20 BOARD MEMBER EATON: Aye. Madam Chair.

21 CHAIRPERSON MOULTON-PATTERSON: Yes.

22 BOARD MEMBER EATON: And I shouldn't have  
23 actually voted. And inquiry, are we going to require them  
24 to be resubmit a modified two-year plan based on that  
25 track? I mean, is that a legal status, Mr. Block, that

1 the question you raised that will this, you know, because  
2 the plan is three years, do they then have to submit a  
3 modified plan on the two-year track for the extension just  
4 so all the Ts and Is are dotted?

5 STAFF COUNSEL BLOCK: We will --

6 BOARD MEMBER EATON: And that way we at least --  
7 they can't come back to us and say well, we approved the  
8 three-year plan for implementation even though we only had  
9 a two-year extension. Therefore, we need another year by  
10 which to complete the plan as approved by you.

11 STAFF COUNSEL BLOCK: To the extent that there  
12 are modifications necessary in the plan, and as was  
13 mentioned they're mostly related to monitoring and the  
14 like, we'll have those done, but those would not need to  
15 come back before the Board.

16 We'll just make sure that those modifications are  
17 done. The record of today's meeting will indicate that  
18 the jurisdiction was amenable to a two-year extension.  
19 And the resolution, I don't remember now if it actually  
20 says two-year or three-year, but we can certainly add that  
21 into the resolution if that were held.

22 BOARD MEMBER PAPARIAN: The original resolution  
23 said three years. I said that my resolution changes that  
24 to two years, then with the six-month updates, and the one  
25 year review.



1 STAFF COUNSEL BLOCK: So that --

2 CHAIRPERSON MOULTON-PATTERSON: We have it on the  
3 record that the City has agreed to this.

4 Thank you, Mr. Eaton and Mr. Block.

5 Please call the roll.

6 SECRETARY VILLA: Eaton?

7 BOARD MEMBER EATON: Aye.

8 SECRETARY VILLA: Jones?

9 BOARD MEMBER JONES: Aye.

10 SECRETARY VILLA: Medina?

11 BOARD MEMBER MEDINA: Aye.

12 SECRETARY VILLA: Paparian?

13 BOARD MEMBER PAPARIAN: Aye.

14 SECRETARY VILLA: Roberti?

15 BOARD MEMBER ROBERTI: Madam Chair, if I can just  
16 explain my vote on it. I think this is a much better  
17 resolution. However, I am going to vote no, not because I  
18 intend to vote no on every compliance order, but absent a  
19 concrete showing that one active leniency on the part of  
20 the Board, in this case the construction of the MRF was  
21 passed upon. I'm not inclined to give a second one.

22 And I know that there is some argument to the  
23 contrary on that, so I intend to vote no to make it clear.  
24 That's not because I intend to vote no on every compliance  
25 order, but because of the peculiarities of this one.

1 My vote is no.

2 CHAIRPERSON MOULTON-PATTERSON: Thank you.

3 SECRETARY VILLA: Moulton-Patterson?

4 CHAIRPERSON MOULTON-PATTERSON: Aye.

5 Okay, the motion was approved with the revisions.

6 Item 2 was pulled.

7 That brings us to Item number 3.

8 Ms. Nauman.

9 DEPUTY DIRECTOR NAUMAN: Good morning, Madam  
10 Chair and Board Members. Julie Nauman of the Permitting  
11 and Enforcement Division.

12 Agenda Item number 3, which you have a revised  
13 item, and there are copies in the back, is consideration  
14 of a new standardized compost permit for the green  
15 material compost facility at Cold Canyon Landfill located  
16 in San Luis Obispo County.

17 And Georgianne Turner will make the presentation.

18 MS. TURNER: Good morning as Julie mentioned on  
19 page give there have been changes to the item. These are  
20 minor and editorial. We've revised some dates. And we've  
21 also corrected a typo. We said RDSI instead of RCSI.

22 This proposed permit will allow the expansion of  
23 the green material compost facility at Cold Canyon  
24 Landfill and to include 5 to 12 acres and --

25 CHAIRPERSON MOULTON-PATTERSON: Just a second.

1 We're having some technical difficulties.

2 Try it again.

3 MS. TURNER: Can you hear me? Thank you to  
4 increase the permitted facility area from 5 to 12 acres,  
5 to increase the site capacity from 10,000 to 45,000 cubic  
6 yards of active compost at any given time, and to increase  
7 the daily loading from 60 to 200 tons per day, and to also  
8 change the hours of operations from 7:30 a.m. to 4:30  
9 p.m., seven days a week to allowing feed stock and  
10 composting processing to occur between 8:00 a.m. and 3:00  
11 p.m., seven days a week with the allowance of cleaning and  
12 maintenance activities to happen between 7:30 and 4:30  
13 p.m. seven days per week.

14 As you know, the Board staff was unable to make a  
15 recommendation because the amendment to the San Luis  
16 Obispo County NDFE had not been approved. However,  
17 previous to this item, Item 51 on the consent calendar,  
18 the Board approved the amendment, and therefore the  
19 location of this facility is now identified in the  
20 county's NDFE and the facility is in conformance with  
21 Section 50001, of the PRC.

22 This allows Board staff to make all the necessary  
23 findings, and therefore we recommend concurrence in the  
24 issuance of the proposed permit and adoption of the  
25 resolution number 2002-88.

1               Steve Fuller of the LEA and Bruce Rizzoli of the  
2 operator and Sean Edgar of the Operator's consultant are  
3 here to answer any other questions that you might have.  
4 And this concludes my presentation.

5               CHAIRPERSON MOULTON-PATTERSON: Thank you.

6               Any questions?

7               BOARD MEMBER JONES: Madam Chair?

8               CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

9               BOARD MEMBER JONES: I would like to move  
10 adoption of Resolution 2002-88, the standardized compost  
11 permit for the Green Material Compost Facility at Cold  
12 Canyon Landfill in San Luis Obispo County.

13              BOARD MEMBER MEDINA: Second.

14              CHAIRPERSON MOULTON-PATTERSON: Okay. We have a  
15 motion by Mr. Jones seconded by Mr. Medina to approve  
16 Resolution 2002-88.

17              Please call the roll.

18              SECRETARY VILLA: Eaton?

19              BOARD MEMBER EATON: Aye.

20              SECRETARY VILLA: Jones?

21              BOARD MEMBER JONES: Aye.

22              SECRETARY VILLA: Medina?

23              BOARD MEMBER MEDINA: Aye.

24              SECRETARY VILLA: Paparian?

25              BOARD MEMBER PAPARIAN: Aye.

1 SECRETARY VILLA: Roberti?

2 BOARD MEMBER ROBERTI: Aye.

3 SECRETARY VILLA: Moulton-Patterson?

4 CHAIRPERSON MOULTON-PATTERSON: Aye.

5 Okay. Item 4 was pulled.

6 And so that takes us to Item number 5.

7 DEPUTY DIRECTOR NAUMAN: Item number 5, which  
8 also you have a revised item for this, is consideration of  
9 a new standardized compost permit for nursery products  
10 composting facility, San Bernardino county.

11 Dianne Ohiosumua will make the presentation.

12 MS. OHIOSUMUA: I, along with Christopher  
13 Ravenstein of San Bernardino County's Local Enforcement  
14 Agency will be discussing Agenda item number 5.

15 The proposed permit is to allow the operation of  
16 a new composting facility. Most of the biosolid feed  
17 stock will originate from the City of Adelanto Sewage  
18 Treatment Plant. The sewage sludge is digested and  
19 dewatered. The final product has undergone pathogen  
20 reduction, that is sufficient to label it Class B.

21 Under the Code of Federal Regulation part 503,  
22 standards for the use or disposal of sewage sludge. In  
23 addition the report of composting site information states  
24 that, "The anticipated average delivery is 240 tons of  
25 sewage sludge and 240 tons" -- I mean not tons, "cubic

1 yards of green waste per day."

2 Board staff and the LEA have determined that all  
3 the requirements for the proposed permit have been met.  
4 At this time, staff would recommend that the Board adopt  
5 permit decision number 2002-12 concurring with the  
6 issuance of solid waste facility permit number 36-AA-0420  
7 for the nursery products composting facility.

8 The San Bernardino LEA and the representative of  
9 nursery products composting facility are in the audience  
10 and available to answer any questions you may have.

11 That concludes staff presentation.

12 CHAIRPERSON MOULTON-PATTERSON: Thank you.

13 BOARD MEMBER JONES: Madam Chair.

14 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

15 BOARD MEMBER JONES: Just one quick thing. You  
16 identified the facility permit number, I think in your  
17 presentation? Did I mishear hear?

18 MS. OHIOSUMUA: 36-AA-0420.

19 BOARD MEMBER JONES: Okay, good. It didn't sound  
20 that way. And I didn't want it on the record that there  
21 would be a different number. I apologize.

22 Madam Chair, I'd like to move adoption of  
23 resolution 2002-12, the standardized compost permit for  
24 nursery products, compost facility in San Bernardino  
25 county.

1 BOARD MEMBER MEDINA: Second.

2 CHAIRPERSON MOULTON-PATTERSON: Motion by Mr.

3 Jones, seconded by Mr. Medina to approve 2002-12.

4 Please call the roll.

5 SECRETARY VILLA: Eaton?

6 BOARD MEMBER EATON: Aye.

7 SECRETARY VILLA: Jones?

8 BOARD MEMBER JONES: Aye.

9 SECRETARY VILLA: Medina?

10 BOARD MEMBER MEDINA: Aye.

11 SECRETARY VILLA: Paparian?

12 BOARD MEMBER PAPARIAN: Aye.

13 SECRETARY VILLA: Roberti?

14 BOARD MEMBER ROBERTI: Aye.

15 SECRETARY VILLA: Moulton-Patterson?

16 CHAIRPERSON MOULTON-PATTERSON: Aye.

17 Okay, number 6.

18 DEPUTY DIRECTOR NAUMAN: Item number 6 and 7 we

19 can take as a group. They'll both be presented by Keith

20 Kennedy. These are two fairly old permits dating back to

21 1978 from Mono County that we've been working very hard

22 with them to update. And the first of them is 6, which is

23 consideration of a revised full solid waste facility

24 permit for the Bridgeport Landfill in Mono County.

25 MR. KENNEDY: Good morning Madam Chair and Board

1 Members.

2           The Bridgeport Landfill was last permitted in  
3 1978. If facility is owned and operated by the Mono  
4 County Department of Public Works. The facility primarily  
5 serves the town of Bridgeport.

6           As you might imagine, virtually every aspect of  
7 the proposed permit is being redefined to better reflect  
8 the existing practices at the landfill.

9           The revised permit allows for the following  
10 changes, a decrease in the disposal tonnage from 1,825 to  
11 150 tons per year. The Bridgeport Landfill is going to be  
12 used primarily as an outlet for construction and  
13 demolition waste from the Mono County Public Works  
14 projects.

15           Because of the size of the county, which is the  
16 three times the size of Sacramento County, it makes  
17 greater economic sense to periodically bury the  
18 construction and demolition waste rather than to haul it  
19 to the county's central landfill, Benton Crossing, some 63  
20 miles away.

21           The majority of the municipal solid waste  
22 currently generated in the community is going to be taken  
23 to the newly constructed Bridgeport transfer station  
24 located within the landfill's boundaries. The waste will  
25 then be compacted and transferred to the county's central



1 landfill for final disposal.

2               Several other operational changes are being  
3 defined in this proposed permit. They include a reduction  
4 in the landfill's boundary from 40 to 38.5 acres based on  
5 a more accurate survey; a change in hours of operation  
6 from 24 hours per day, 365 days per year to three days per  
7 week 7:00 a.m. to 6:30 p.m.; a defined maximum elevation  
8 and depth; and finally redefining and decreasing the  
9 closure date from 2138 to 2003. The Mono County  
10 Department of Public Works has identified the Bridgeport  
11 Landfill for closure ahead of schedule.

12              Staff would like to make the Board aware that the  
13 Bridgeport Indian Colony, a federally recognized tribe, is  
14 located directly south of the Bridgeport Landfill. Board  
15 staff have been in contact with the tribe on several  
16 occasion to discuss the proposed permit.

17              The tribe has had issues with blowing litter from  
18 the landfill. However, the tribe's representative stated  
19 that they have not had to complain about the litter since  
20 the previous summer, and that the construction of the new  
21 transfer station meant that the landfill was headed in the  
22 right direction.

23              Board staff did not identify any violations of  
24 State minimum standards during the prepermit inspection.  
25 Board staff has determined that all the requirements for

1 the proposed permit have been fulfilled. In conclusion,  
2 staff recommends that the Board adopt Board Resolution  
3 number 2002-19 concurring with the issuance of solid waste  
4 facility permit number 26-AA-0002. This concludes staff's  
5 presentation.

6 Should you have any questions, Evan Nikurk,  
7 Assistant Director of the Mono County Public Works  
8 Department and Jim Goodlow the LEA from Mono County are  
9 available and I would also be happy to answer any  
10 questions.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you.  
12 Questions?

13 BOARD MEMBER JONES: Madam Chair.

14 CHAIRPERSON MOULTON-PATTERSON: Mr. Medina, did  
15 you have a question?

16 BOARD MEMBER MEDINA: Yes, Madam Chair. I would  
17 like to propose a change to the permit.

18 And given that the Bridgeport Landfill is  
19 adjacent to the Bridgeport Indian Colony, and I'm glad to  
20 hear that you had contact with the Indian Colony, and they  
21 are favorably disposed, at this time, I would still like  
22 to insert language on page 610 of the permit, 17(b).

23 The language that I'd like to insert would read,  
24 "The log shall also include complaints lodged by the  
25 Bridgeport Indian Colony." And for the resolution I'd

1 like the resolution at the end to read, "as amended". So  
2 as the language is adopted, I'd like to have the  
3 resolution to read "as amended."

4 DEPUTY DIRECTOR NAUMAN: Madam Chair, if I might.

5 CHAIRPERSON MOULTON-PATTERSON: Yes, Ms. Nauman.

6 DEPUTY DIRECTOR NAUMAN: The LEA is present and  
7 it would probably be appropriate to have the LEA come  
8 forward and indicate their agreement that they would make  
9 that change. It's really the LEA's authority and  
10 prerogative to condition the permit.

11 CHAIRPERSON MOULTON-PATTERSON: Okay, thank you.

12 MR. GOODLOW: I'm Jim Goodlow with the LEA of  
13 Mono County, and we wouldn't have any objection to that.

14 CHAIRPERSON MOULTON-PATTERSON: Okay, thank you  
15 for stating that.

16 Mr. Jones, did you have a comment before we get a  
17 motion?

18 BOARD MEMBER JONES: No, I don't have a  
19 problem -- I mean, I do have a problem with part of that,  
20 but not the issue. I mean the issue of the litter I was  
21 actually contacted a couple of years ago and tried to do  
22 some work to make sure that got taken care of.

23 But I think the change needs to come from the  
24 LEA. If the LEA wants to make the change, then that's  
25 okay, because we either vote them up or vote them down, so

1 if you want to make the change to include that reference,  
2 then I'd have no problem, because I think we've got to  
3 protect the integrity of this process.

4 I think it's a good suggestion. I have no  
5 problem with the suggestion, but it's clearly the LEA's  
6 call. So rather than agree, I mean, if you want to submit  
7 it, then that's what we're voting for.

8 MR. GOODLOW: Sure, we could do that. We could  
9 submit it. Would it hinder the process going forward  
10 right here?

11 BOARD MEMBER JONES: No. Are you going to put it  
12 in?

13 MR. GOODLOW: Yes.

14 BOARD MEMBER JONES: Do you want to put it in?

15 MR. GOODLOW: Sure.

16 CHAIRPERSON MOULTON-PATTERSON: Mr. Medina.

17 BOARD MEMBER MEDINA: Madam Chair, I would like  
18 to move resolution 2002-90, consideration of a revised  
19 solid waste facility permit for the Bridgeport Landfill  
20 Mono County. And the resolution, again, as amended with  
21 the language that has been inserted.

22 CHAIRPERSON MOULTON-PATTERSON: Okay.

23 BOARD MEMBER JONES: Second.

24 CHAIRPERSON MOULTON-PATTERSON: We have a motion  
25 by Mr. Medina, seconded by Mr. Jones to approve resolution

1 2002-90 with the amendment.

2 Please call the roll.

3 SECRETARY VILLA: Eaton?

4 BOARD MEMBER EATON: Aye.

5 SECRETARY VILLA: Jones?

6 BOARD MEMBER JONES: Aye.

7 SECRETARY VILLA: Medina?

8 BOARD MEMBER MEDINA: Aye.

9 SECRETARY VILLA: Paparian?

10 BOARD MEMBER PAPARIAN: Aye.

11 SECRETARY VILLA: Roberti?

12 BOARD MEMBER ROBERTI: Aye.

13 SECRETARY VILLA: Moulton-Patterson?

14 CHAIRPERSON MOULTON-PATTERSON: Aye.

15 Item number 7.

16 DEPUTY DIRECTOR NAUMAN: Item 7 is consideration  
17 of a revised full solid waste facility permit for the  
18 Walker Landfill in Mono County.

19 Keith Kennedy.

20 MR. KENNEDY: The Walker Landfill was also last  
21 permitted in 1978. The facility is owned and operated by  
22 the Mono County Department of Public Works. The facility  
23 primarily serves the town of Walker. As with the  
24 Bridgeport permit, virtually every aspect of Walker's  
25 proposed permit is being redefined to better reflect the

1 existing practices at the landfill.

2           The revised permit allows for the following  
3 changes, a decrease in the disposal tonnage from 730 to  
4 150 tons per year. Benton Crossing Land fill -- Benton  
5 Crossing, the county's central landfill is over 93 miles  
6 away from Walker Landfill, so the county is going to use  
7 this landfill primarily as an outlet for construction and  
8 demolition waste from Mono County Public Works Projects.

9           The majority of the municipal Solid waste  
10 currently generated in the community is going to be taken  
11 to the newly constructed Walker Transfer Station located  
12 within the landfill boundaries.

13           Waste will then be compacted an transferred to  
14 the county's central landfill for final disposal. Several  
15 other operational changes are being defined in this  
16 proposed permit. They include a change in hours of  
17 operation from 24 hours per day 365 days per year, to  
18 three days per week 7:00 a.m. to 6:30 p.m. with a defined  
19 maximum elevation and depth and increase in the closure  
20 date from 2078 to 2162.

21           When the original permit was issued in 1978, the  
22 closure date the projection was essentially an estimate by  
23 the County on how many trenches could fit into the site  
24 boundary, and how much waste each of these trenches would  
25 hold.

1                Since the area fill method is now utilized at the  
2 landfill, and only construction and demolition type waste  
3 will be accepted, the closure date has been recalculated  
4 using the final grading plan, which extended the site life  
5 an additional 84 years.

6                During the prepermit inspection, board staff did  
7 identify three violations for sight security, grading and  
8 intermediate cover. However, upon a second inspection of  
9 approximately two weeks later all of the violations had  
10 been corrected.

11              Board staff has determined that all the  
12 requirements for the proposed permit have been fulfilled.  
13 In conclusion, staff recommends that the Board adopt board  
14 resolution number 2002-91 concurring with the issuance of  
15 solid waste facility permit number 26-AA-0001.

16              This concludes my presentation. I'd be happy to  
17 answer any questions.

18              CHAIRPERSON MOULTON-PATTERSON: I have a  
19 question. You know, here we're increasing the landfill  
20 life for 85 years, and they have a lot of violations. And  
21 I guess I still don't understand why we would increase it  
22 that much.

23              MR. KENNEDY: Basically, the way they're  
24 disposing of waste, it used to be in just small narrow  
25 trenches, and now they're using the area fill method to

1 dispose of the, basically, inert construction and  
2 demolition waste. Therefore, they have a lot more space  
3 that they can fill.

4 And they're only going to be taking, you know,  
5 roughly 150 tons per year. So the site life projection  
6 has therefore been recalculated and extended.

7 CHAIRPERSON MOULTON-PATTERSON: And the LEA is  
8 comfortable that they're not going to continue all these  
9 permit violations.

10 MR. KENNEDY: I can't answer for the LEA.

11 CHAIRPERSON MOULTON-PATTERSON: No, since he's  
12 here.

13 MR. GOODLOW: Yes, we're comfortable with it.

14 CHAIRPERSON MOULTON-PATTERSON: Any other  
15 questions?

16 Okay Mr. Jones.

17 BOARD MEMBER JONES: Before I make the motion, I  
18 do want to thank this county. This is one I identified in  
19 the briefing that has taken over the operations of these  
20 landfills from a private contractor that used to sub for  
21 them, and I think sent their operator to the landfill  
22 operator training, this is the one.

23 So I think we're going to see increased  
24 capability and competency at these sites. And wherever  
25 the assistant director is, I'm glad that you did that,



1 because it will make for better operations.

2 I'm going to move adoption of resolution 2002-91,  
3 consideration of a revised full solid waste facility  
4 permit for the Walker Landfill in Mono County.

5 BOARD MEMBER MEDINA: I'll second board member  
6 Jones motion.

7 CHAIRPERSON MOULTON-PATTERSON: We have a motion  
8 by Mr. Jones, seconded by Mr. Medina to approve resolution  
9 2002-91.

10 Please call the roll.

11 SECRETARY VILLA: Eaton?

12 BOARD MEMBER EATON: Aye.

13 SECRETARY VILLA: Jones?

14 BOARD MEMBER JONES: Aye.

15 SECRETARY VILLA: Medina?

16 BOARD MEMBER MEDINA: Aye.

17 SECRETARY VILLA: Paparian?

18 BOARD MEMBER PAPARIAN: Aye.

19 SECRETARY VILLA: Roberti?

20 BOARD MEMBER ROBERTI: Aye.

21 SECRETARY VILLA: Moulton-Patterson?

22 CHAIRPERSON MOULTON-PATTERSON: Aye.

23 Number 8.

24 DEPUTY DIRECTOR NAUMAN: Eight is consideration  
25 of a revised full solid waste facility permit for the

1 Western Placer Waste Management Authority Materials  
2 Recovery Facility located in Placer County.

3 Christine Karl will make the presentation.

4 MS. KARL: Goods morning, Madam chair and members  
5 of the Board. Item number 8 considers a revised solid  
6 waste facility permit for, as Julie just told you, Western  
7 Placer Waste Management Authority Materials Recover  
8 Facility in Placer county, which is owned by the  
9 authority.

10 The proposed permit increases the amount of solid  
11 waste processed daily from 1,000 to 1,200 tons, increases  
12 the vehicle traffic from 411 to 468 vehicles per day,  
13 changes the hours and days for waste receipt and  
14 processing, and removes the hours of operation from the  
15 household hazardous waste collection facility from the  
16 permit.

17 Staff has found the proposed permit in compliance  
18 with all laws and regulations within the Board's  
19 authority, and recommends the Board concur with solid  
20 waste facility permit number 31AA-001 via resolution  
21 2002-92.

22 This concludes staff presentation, and  
23 representatives from operator and LEA are both here, if  
24 you have any further questions.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you. And

1 we do have a speaker's slip. If I don't have any  
2 questions before, I'll call on --

3 BOARD MEMBER PAPARIAN: Go with the speak first,  
4 then I might have some questions.

5 CHAIRPERSON MOULTON-PATTERSON: Jim Durfee,  
6 Western Placer Waste Management Authority.

7 MR. DURFEE: Thank you, Madam Chair. For the  
8 record Jim Durfee. I'm the Assistant Executive Director  
9 of the Waste Management Authority. I just wanted to very  
10 briefly ask your board's consideration of this permit  
11 request this afternoon or this morning.

12 The changes of this permit would provide us with  
13 some added processing hours, which will help us more  
14 efficiently process the waste, also provides more  
15 convenience to our residents, self-haul customers and so  
16 forth.

17 I would also like to thank board staff and the  
18 LEA staff for working with us through this process and let  
19 you know that I do have staff here available to answer  
20 questions you may have. And with that, I'd just thank you  
21 for your consideration.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you.

23 Mr. Paparian.

24 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.  
25 My question is not related to our actual vote on the

1 permit today, but I have driven by the area there. It  
2 seems like there's a lot of growth happening in the area  
3 within a few miles of the landfill, a lot of increased  
4 traffic with, you know, potentially difficult access off  
5 that main road as traffic increases.

6 Are you guys addressing that over time? Are you  
7 working with the local planning authorities.

8 MR. DURFEE: We do work with the local planning  
9 authorities. A couple of points, the County of Placer,  
10 back in the early 1990's in developing the general plan  
11 process, put a one-mile residential buffer around our  
12 facility, so that there can be no residential development  
13 within one mile of the facility.

14 The facility is in a designated industrial zone,  
15 and there is a master plan for the development and  
16 improvement of roadways as that industrial zone improves.

17 Also, the facility does pay a mitigation fee  
18 based on a per ton process for each ton of waste that's  
19 hauled into the facility. We put money into reserves that  
20 are -- those monies are designated specifically for road  
21 improvements in that area.

22 BOARD MEMBER PAPARIAN: Thank you. From outward  
23 appearances, it looks like you may need, that at some  
24 point given that.

25 MR. DURFEE: It is a rapidly growing area and the

1 roads out there are -- it was primary agricultural  
2 country, historically, and your point is well taken.

3 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
4 Paparian.

5 BOARD MEMBER JONES: Madam Chair.

6 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

7 BOARD MEMBER JONES: I'm going to move the  
8 motion. If we remember when we had the one-half hour  
9 change at the landfill out there and we had the attorneys,  
10 the attorneys had been fighting that for a long time, even  
11 though it was in a special reserve that they couldn't  
12 develop the land, so I'm surprised there's none of them  
13 here today.

14 I'm going to move adoption of resolution 2002-92  
15 revised, consideration of a revised full solid waste  
16 facility permit for the Western Placer Waste Management  
17 Authority Materials Recovery Facility in Placer county.

18 BOARD MEMBER MEDINA: Second.

19 CHAIRPERSON MOULTON-PATTERSON: Motion by Mr.  
20 Jones, seconded by Mr. Medina to approve resolution  
21 2002-92 revised.

22 Please call the roll.

23 SECRETARY VILLA: Eaton?

24 BOARD MEMBER EATON: Aye.

25 SECRETARY VILLA: Jones?

1 BOARD MEMBER JONES: Aye.

2 SECRETARY VILLA: Medina?

3 BOARD MEMBER MEDINA: Aye.

4 SECRETARY VILLA: Paparian?

5 BOARD MEMBER PAPARIAN: Aye.

6 SECRETARY VILLA: Roberti?

7 BOARD MEMBER ROBERTI: Aye.

8 SECRETARY VILLA: Moulton-Patterson?

9 CHAIRPERSON MOULTON-PATTERSON: Aye.

10 Number 9.

11 DEPUTY DIRECTOR NAUMAN: Thank you, Madam Chair.

12 Item number 9 and 10 are linked, so I would like  
13 to suggest that we take those together. Item number 9  
14 being consideration of approval of a scope of work for the  
15 risk assessment assistance contract, fiscal year 2001/2,  
16 contract concept number 12.

17 And item 10 then being consideration of a  
18 approval of the Office of Environmental Health Hazard  
19 Assessment as contractor for the risk assessment  
20 assistance contract, fiscal year 2001/2, contract concept  
21 number 12.

22 And Scott walker will make the presentation.

23 MR. WALKER: Item 9 presents consideration again  
24 of the scope of for the risk assessment contract with  
25 OEHHA, Office of Environmental Health Hazard Assessment,

1 for fiscal year 2001/2002 contract concept 12.

2           And, again, as Julie mentioned, this item ties  
3 directly with Item 10, which is consideration of approval  
4 of OEHHA as a contractor for the risk assessment contract,  
5 approval of an interagency agreement. Therefore, this  
6 presentation will cover both items.

7           Risk assessment is the science of quantifying the  
8 chemical of human health or ecological impacts from  
9 environmental pollutants. And this is an emerging  
10 discipline with a lot of applications to solid waste sites  
11 and facilities and can assist the Board in making  
12 state-of-the-science based decisions with regard to public  
13 health and safety and the environment.

14           Contract concept 12 would provide, as it was  
15 written, for one or more contracts for risk assessment  
16 services to the Board from OEHHA and/or DTSC. OEHHA  
17 provides the expertise in the broadest range of risk  
18 assessment services.

19           We've identified a number of areas such assisting  
20 us in the compost regulations. There's been some specific  
21 questions of the metal standards, assisting in the  
22 development of studies related to landfill impacts on  
23 health, and review of those studies, various things like  
24 that.

25           And then also general training and technical

1 guidance to LEAs and board staff and also on specific  
2 cases that come up that we're involved in.

3           Because the assistance from OEHHA is needed now  
4 in various projects, staff is recommending approval of a  
5 scope of work and encumbering \$100,000 of the original  
6 \$200,000 allocation to an interagency agreement with  
7 OEHHA.

8           The remaining \$100,000 would be available for  
9 staff to further develop a proposed scope of work with  
10 DTSC to be considered by the end of this fiscal year.  
11 Again, DTSC services would be more appropriate for  
12 specialized situations such as burn dumps.

13           If a need and a scope work for DTSC services  
14 cannot be developed, then staff would come back and  
15 request by the end of the fiscal year consideration and  
16 approval to fully fund the OEHHA contract.

17           Based on comments received from DTSC on potential  
18 conflicts with their authority, I wanted to just go over a  
19 couple of relatively minor changes to the scope of work  
20 that staff requests the Board include in resolutions  
21 2002-93 and 2002-94. And that is to delete scope of work  
22 items 2-2 and 2-3 and remove the word "burn sites" from  
23 2-1.

24           In addition, staff understands that letters from  
25 one or more LEAs has requested that the Board fully fund



1 the OEHHA scope of work and contract at \$200,000. The  
2 Board may decide to further modify staff's recommendation  
3 in that manner.

4 And, again, in order to accomplish that, the 6th  
5 whereas would need to include striking the word  
6 "initially" and then replacing \$100,000 with \$200,000.

7 That concludes staff's presentation.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
9 Walker.

10 Mr. Eaton.

11 BOARD MEMBER EATON: Yes. Mr. Walker, who would  
12 with OEHHA --

13 MR. WALKER: Environmental Health Hazard  
14 Assessment.

15 BOARD MEMBER EATON: Right. I'm trying to avoid  
16 Senator Roberti's --

17 BOARD MEMBER ROBERTI: This is almost the worst  
18 right up there with --

19 BOARD MEMBER EATON: Right. They make the  
20 assessments, correct?

21 MR. WALKER: Well, essentially the way it works  
22 is they would not prepare the actual risk assessment  
23 report, say on a given site. They would review a risk  
24 assessment report done by a responsible party or a  
25 consultant. They would also be able to review where the

1 board is developing, say, a contract concept or studies  
2 for various landfill impact studies on health. They'd be  
3 able to review what the Board could consider to support  
4 that with regard to the science of risk assessment.

5 BOARD MEMBER EATON: Right. So wouldn't they be  
6 in the best position then to hire out other subcontractors  
7 and toxicologists on an as-needed basis as opposed to  
8 developing a direct interagency agreement by the  
9 California Integrated Waste Management Board with the  
10 Department of Toxics? Aren't they in a better position,  
11 because they would determine rather than fund toxics and  
12 then, you know, again at, you know, as the letters that  
13 have come at the sort of high overhead rate, perhaps maybe  
14 it's better to fund OEHHA at \$200,000 and let them  
15 determine whether or not it's appropriate to have another  
16 agency take a look at the toxicology, pay the overhead  
17 rate than just us as a board always paying it, not knowing  
18 what we're going to get for it. Wouldn't that seem like a  
19 cleaner and smoother way to do it?

20 DEPUTY DIRECTOR NAUMAN: It's my understanding  
21 that the way this would work is through the interagency  
22 agreement, toxicologists on staff with OEHHA would  
23 actually be doing the work. They would not be contracting  
24 out to another party.

25 With respect to the issue of DTSC, the staff is

1 still continuing to talk with DTSC, and we haven't  
2 produced anything to you at this point with respect to  
3 entering into interagency agreement with them, but we have  
4 been having discussions with them about our respective  
5 jurisdictions with respect to burn dumps, for instance.  
6 So there may be some places there where DTSC would be most  
7 appropriate to do the risk assessment, because they, too,  
8 have toxicologists.

9 But at this point, we're just looking at the  
10 OEHHA piece and we do have a need for their services and  
11 they are direct services.

12 BOARD MEMBER EATON: Right. All I'm just saying  
13 is why should we serve individual meals when why don't we  
14 just offer up a buffet and they can come eat what they  
15 want to eat when they want to eat it, because the work  
16 group can then determine who should get the money out of  
17 the \$200,000 pot instead of trying to doing \$100,000 here,  
18 which because at \$100,000 we may not have that much work,  
19 because of the overhead costs.

20 All I'm trying to get at is a much more efficient  
21 way to get us out of choosing, because these, as you well  
22 know, Ms. Nauman, have a way if you fund them one time,  
23 they come again. And it's 125, it's 150 to fund the whole  
24 organization the whole project at one time, and then the  
25 work group consisting of all those respective agencies

1 then can make a determination what's needed at what time,  
2 and pay whatever costs are associated there with the pot  
3 that they have. So they have a firm budget, which is  
4 better for planning purposes instead of keep coming back.

5 CHAIRPERSON MOULTON-PATTERSON: So, Mr. Eaton,  
6 you're trying to get where OEHHA would get the whole  
7 \$200,000?

8 BOARD MEMBER EATON: Well, I would just say we  
9 enter \$200,000 and then part of the workgroup would  
10 determine what toxicologists are needed, and that could be  
11 from DTSC, it could be from federal EPA, from whomever,  
12 but I takes us out of the mix of having to go through two  
13 or three different interagency agreements, and then  
14 fighting over who should get what, because it would be on  
15 a case by case basis depending upon the project, correct?

16 MR. WALKER: Essentially, that's correct. I  
17 think the ability for us to subout in the OEHHA contract  
18 for say services from DTSC would -- you know, we're not  
19 quite sure whether OEHHA could do that or not. Although,  
20 right now, we would assume that since DTSC has that  
21 expertise in-house, that, you know, with regard to this  
22 point, we've been able to do things like with the Quinn  
23 Street site, whereby the RP is actually --

24 BOARD MEMBER EATON: I'm not cutting them out of  
25 the action. I'm just saying that those scientists should

1 be scientists talking to scientists and determining who  
2 should and who shouldn't get, you know, the funding under  
3 what projects. And my understanding is is that this burn  
4 dump workgroup works as a, sort of, a group that says  
5 here's the project, here's what we have to do.

6           And within that group, all I'm saying is that we  
7 ought not to be having this interagency agreement and this  
8 interagency agreement, because those will eventually build  
9 up over time and need more and more.

10           Whereas, if we have one pot of money we can keep  
11 track of that one pot of money, and then as it's needed,  
12 depending upon the projects. It's not meant to punish one  
13 of our brother or sister agencies, it's really a much more  
14 efficient way to manage the project. That's all I'm  
15 trying to get at.

16           If this is a scientific pot of money, which is  
17 what I'm reading it to be and needed and sorely needed,  
18 you now, then that should be part of the workgroup's  
19 determination as to who should get the money and how and  
20 under what circumstances and get us out of the business of  
21 getting into these sort of inter-departmental battles and  
22 participating more on a project-by-project kind of  
23 approach.

24           MR. WALKER: I'd just like to add that OEHHA is  
25 much broader in terms of the services. Like, for

1 instance, DTSC is really not appropriate for, say, if we  
2 had review of compost standards. It would be more of an  
3 OEHHA role, but in certain cases like burn dumps, where  
4 there's some, you know, overlapping authority, well, then  
5 it is possible that DTSC would be the more appropriate  
6 entity to perform that.

7 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

8 BOARD MEMBER JONES: Thanks, Madam Chair.

9 Following up on what Mr. Eaton is saying, I mean, we would  
10 have -- these guys -- OEHHA is scientists. They're there  
11 to judge risk assessment.

12 If an issue came forward, whether it's a burn  
13 dump or whatever it is, they would understand what the  
14 appropriate level of risk is, so what's the appropriate  
15 level of remediation, as opposed to a two-year study for  
16 each site, which is sort of common in certain places.

17 So what would we have to do to this resolution --  
18 you had may a comment to it earlier, but if we said we'll  
19 give the \$200,000 to OEHHA and rely on them to do risk  
20 assessment, and then, I guess, they would report to you  
21 guys and tell you what they're working on or you're going  
22 to tell them what to work on, is this the appropriate  
23 level of cleanup based on the risk?

24 I'm assuming that's a lot of what is going to be  
25 happening through this contract?

1                   MR. WALKER:   Correct.

2                   BOARD MEMBER JONES:   Okay.   Because I know your  
3 staff does a thorough job of looking at it and saying,  
4 okay, how do we protect this the best way?  Do we dig it  
5 out or do we not as opposed to turning every -- anyway.

6                   So you would be able to have OEHHA assess that  
7 whether or not they determined to sub part of this work  
8 out to another agency, whether it's the Water Board, Air  
9 Board, DTSC, that it be their call, but it be under their  
10 direction with us as the ones that needed the ultimate  
11 information, right?

12                  MR. WALKER:   Right.  I think that one way maybe  
13 to handle it is with those deletions and at the same time  
14 to, you know, explore in that the potential for, you know,  
15 subbing out through OEHHA for specialized situations that  
16 maybe --

17                  BOARD MEMBER JONES:   Right, but OEHHA would know.  
18 They'd say, look, I think this needs to go here, it needs  
19 to go there, because of these issues.

20                  MR. WALKER:   OEHHA would provide a good basis on  
21 that.  And plus staff would understand the different  
22 agencies and whether or not there's a conflict.

23                  BOARD MEMBER JONES:   Understood.  Tell me what I  
24 have to change in this motion.  I mean, is there anything  
25 I have to change or do I have to change it in the scope of

1 work to say that \$200,000 -- I'm going to propose a motion  
2 that says \$200,000 goes to OEHHA to do risk assessment for  
3 us, and that they're going to keep our staff informed or  
4 you know, the progress of it.

5 DEPUTY DIRECTOR NAUMAN: Well, actually our staff  
6 would be directing it, but actually the resolution says  
7 they're currently drafted without the amendment that Scott  
8 offered would work, because both of them now refer to the  
9 \$200,000.

10 BOARD MEMBER JONES: Right, I understood that,  
11 but he said something earl and I didn't catch it and I  
12 didn't know if we had to change a word or not. If we  
13 don't, I'm happy.

14 DEPUTY DIRECTOR NAUMAN: No, you can leave the  
15 resolution as is.

16 BOARD MEMBER JONES: All right.

17 EXECUTIVE DIRECTOR LEARY: Madam Chair.

18 Over here, Mark Leary.

19 (Laughter.)

20 CHAIRPERSON MOULTON-PATTERSON: Yes, Mr. Leary,  
21 we have three minutes to do nine and ten, and then --

22 EXECUTIVE DIRECTOR LEARY: Okay. I'll just make  
23 this real quick. I think there are some great ideas being  
24 proposed here from the dais and my only concern and  
25 hesitancy was we've been negotiating \$100,000 worth of



1 work with OEHHA. Now to expand it to \$200,000, I'm not  
2 sure we have assurance that they they have the resources  
3 to manage that level of work, given their size and given  
4 that they've taken some cutbacks of late.

5 I'm just hesitant to commit them to \$200,000 of  
6 work when they haven't been part of this conversation up  
7 till now.

8 CHAIRPERSON MOULTON-PATTERSON: It says \$200,000.  
9 We haven't talked to them about it.

10 EXECUTIVE DIRECTOR LEARY: I thought we proposed  
11 \$100,000.

12 MR. WALKER: Well, in this one it was \$100,000 of  
13 full the \$200,000. And we have talked with OEHHA, and we  
14 have gone over with them their ability to, you know -- the  
15 quantity of work they can take on. And given this would  
16 be, you know, like over two fiscal years, OEHHA has  
17 indicated to us that the \$200,000 would not overwhelm  
18 them. I mean, they could certainly use that full amount,  
19 you know, as long as we work with them on this initial  
20 rest of this fiscal year to cover some of it.

21 EXECUTIVE DIRECTOR LEARY: Okay.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
23 Leary for bringing that up, but that's great news, because  
24 I think they do a great job. And I'd certainly rather  
25 contract out to OEHHA than some private consultant.

1               DEPUTY DIRECTOR NAUMAN:  Madam Chair, if I might,  
2 given the lateness of the hour based on Mr. Leary's  
3 suggestion might we take a break at this point on this  
4 item and just come back after lunch and kind of confirm  
5 for you our discussions with OEHHA, and their  
6 understanding of that, so that we're all clear?

7               CHAIRPERSON MOULTON-PATTERSON:  If that's what  
8 you'd like to do.

9               DEPUTY DIRECTOR NAUMAN:  I'd like to do that.

10              CHAIRPERSON MOULTON-PATTERSON:  Okay.  Then, as I  
11 said, we're going to take our -- thank you, Mr. Walker.  
12 We're going to resume with number 9 when we get back, but  
13 as I promised we have one speaker for public comments, not  
14 to exceed five minutes, and that's Mr. Rick Lymp.

15              MR. LYMP:  Good morning.  My name is Rick Lymp.  
16 Madam Chairman, thank you very much for the opportunity to  
17 speak to you before tomorrow at 3:00 o'clock.  I  
18 appreciate that, and I'll make it short.

19              In February of 2001, I filed a notice of RCRA  
20 violations and an intention to file a citizens suit.  
21 Since then I've been attempting to encourage the  
22 respondents, which are four agencies and approximately 26  
23 individuals to enter into alternative dispute resolution  
24 mediation.

25              I haven't accomplished that yet.  I do believe,

1 and this is my opinion, that if one respondent comes  
2 forward, the rest of them will come forward, too.

3 The California Environmental Protection Agency is  
4 offered the opportunity to intervene in a Notice of  
5 Intent, providing it's timely and the remedy is effective.

6 Neither of those could be accomplished. However,  
7 if they were, CalEPA would have two options; one, civil  
8 enforcement, the other criminal enforcement.

9 What they are not allowed to do is to make any  
10 administrative changes to policies, procedures or  
11 regulations. That's not allowed by federal law and State  
12 law. I have a couple of citations. An example is  
13 construction and demolition in alternative daily cover  
14 regulations. My intention is not to derail any of the  
15 hard work that staff has done, including Scott Walker and  
16 Allison Reynolds and their colleagues.

17 The citations are 42 U.S. Code, Section 6972 and  
18 11(a) Fed Procedure, LED, sections 32; 1364 at sequence.

19 The waste streams I have a problem with, to  
20 reiterate one more time, are contaminated soil,  
21 contaminated sludge and autoshredder waste. The only safe  
22 management method for these wastes is monofill.

23 In conclusion, a knee jerk by the respondents can  
24 be as devastating as my filing a federal complaint. I  
25 don't want to do that. I will be contacting several of

1 the generators, including municipal governments, some of  
2 the landfill operators and some of the landfill owners  
3 regarding what I'm doing, so they won't be blindsided. I  
4 will CC the respondents, too.

5 If there are any questions, I'd be happy to  
6 attempt to answer them, otherwise, I'll go sit back down.

7 Thank you.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
9 Lymp. Seeing none, we will have a lunch break now and  
10 will return at 1:30.

11 (Thereupon a lunch recess was taken.)

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1 AFTERNOON SESSION

2 CHAIRPERSON MOULTON-PATTERSON: I'd like to call  
3 the meeting back to order, please.

4 Mr. Jones do you have any ex partes?

5 BOARD MEMBER JONES: No.

6 CHAIRPERSON MOULTON-PATTERSON: Mr. Medina.

7 BOARD MEMBER MEDINA: None to report.

8 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

9 BOARD MEMBER PAPARIAN: None.

10 CHAIRPERSON MOULTON-PATTERSON: I'll give Mr.  
11 Eaton a chance to sit down. Mr. Eaton, when you get  
12 settled, do you have any ex partes?

13 BOARD MEMBER EATON: Just a meet and greet with  
14 Larry Sweetzer.

15 CHAIRPERSON MOULTON-PATTERSON: Okay, thank you.

16 And I have none.

17 Okay. We are going to, I've been asked by staff,  
18 to trail number 9 and 10 until tomorrow to give them a  
19 little more time to iron out some of details with the  
20 OEHHHA; is that correct?

21 EXECUTIVE DIRECTOR LEARY: Yes, Madam Chair.

22 CHAIRPERSON MOULTON-PATTERSON: So that takes us  
23 to number 11.

24 DEPUTY DIRECTOR NAUMAN: Thank you, Madam Chair.

25 Item 11 is consideration of the adoption of negative

1 declaration, State Clearinghouse no 2001101157 and  
2 proposed regulations for hazardous waste disposal  
3 facilities disposing nonhazardous, nonputrescible industry  
4 solid waste or approval to notice revisions to the  
5 proposed regulations for an additional 15-day comment  
6 period.

7           And Virginial Rosales -- no actually Georgianne  
8 Turner is here to make the presentation.

9           MS. TURNER: Good afternoon. Basically, we've  
10 been before you several times with this issue, and we want  
11 a 15-day comment period. And we have not received any  
12 written comments regarding the last changes to the  
13 regulations, and so we are recommending that the Board --  
14 I'm sorry, Susanne just corrected me, there was one  
15 comment from Kern County, which was a positive comment  
16 actually on the regulations, which we don't received very  
17 often.

18           (Laughter.)

19           MS. TURNER: So I might as well note that.

20           Anyway, we don't have any comments against the  
21 regulations. And so given that, we would propose that the  
22 Board adopt these regulations along with the negative  
23 declaration before you.

24           CHAIRPERSON MOULTON-PATTERSON: Okay, thank you.

25           Questions?

1 Mr. Jones.

2 BOARD MEMBER JONES: Thanks, Madam Chair.

3 Madam Chair, I had a meeting with Julie Nauman on  
4 Friday on this over the one issue that was brought up at  
5 our budget briefing by Waste Management on some of the  
6 notification issues. And if you remember, at that time, I  
7 kind of laid out does this just mean that we're going to  
8 find this out and we're going to go ahead and notify the  
9 LEA. And it maybe actually a little more interweaved than  
10 that.

11 So one of the questions that I had asked Ms.  
12 Nauman was, if they've got a current permit from DTSC,  
13 that means that they have to be in compliance with all the  
14 conditions, just like they would if they had permit from  
15 us. And couldn't evidence that they had a current permit  
16 be enough, instead of having to get stuff in writing about  
17 specific one little issues, which could end up going  
18 sideways like it did over the last couple of months with  
19 misunderstanding and, you know, who has to write what  
20 letter and does it have to say this and that?

21 And I'm wondering from the Board that if evidence  
22 of a current permit took care of that requirement that  
23 they had closure post-closure mechanisms in place at that  
24 hazardous waste landfill, because that's what it is, I  
25 mean if we go back to the arguments, it's a hazardous

1 waste site, that we don't have any oversight over?

2           She didn't commit one way or another, so I'm not  
3 going to put you on the spot, but we did have an awfully  
4 good discussion that it probably did. And I also actually  
5 had a meeting with our legal counsel, Ms. Tobias, where we  
6 covered a couple of different issues.

7           So I'm going to throw that out there, because  
8 we've had so much debate on this issue and given pretty  
9 clear direction, and I think the direction is being  
10 followed, but there's always that opportunity that  
11 somebody wants a letter that maybe can't be had, and all  
12 of a sudden everything blows up.

13           So I would propose that if they had a current  
14 approved permit for this hazardous waste site, that would  
15 be evidence in and of itself that they've got an approved  
16 closure, post-closure mechanism.

17           So I throw that out there.

18           CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
19 Jones.

20           Mr. Paparian.

21           BOARD MEMBER PAPARIAN: Yeah, on that point,  
22 generally, that would be okay. I'm wondering what happens  
23 if there is some issue involving in permit that Toxics is  
24 starting to raise so they still have the permit in their  
25 hands, although there may be some investigation or some



1 issue involving this?

2 BOARD MEMBER JONES: Then we put a 24 hour -- if  
3 they become noncompliant, they have 24 hours to -- I would  
4 put in that they have 24 hours to contact us, and then go  
5 by whatever the time mechanism is that DTSC would put them  
6 under for a substitution.

7 BOARD MEMBER PAPARIAN: I wonder if I could hear  
8 from the legal counsel about any views on this, any things  
9 we should consider?

10 CHIEF COUNSEL TOBIAS: I think the issue is that  
11 it gets down to the financial assurances again. And what  
12 happens with -- and, again, Julie or her staff on  
13 financial assurances can correct me, if I'm not stating  
14 this properly. But the financial assurances and the  
15 permit travel to a certain extent independently of each  
16 other.

17 And so while you might have a current permit,  
18 you'd have to look at the financial assurances as well to  
19 make sure that the financial assurances were correct. And  
20 I know our own situation better than I know that of  
21 toxics.

22 So for instance, at any time, if you were looking  
23 at one of our permits, you'd want to look at their permit,  
24 but if you were concerned about their ability to deal with  
25 closure post-closure issues, you'd need to look at their

1 financial assurances to see whether they were current at  
2 that time. And we've certainly had a couple of permits  
3 where that's been an issue.

4           So I think the way that the regulations are  
5 proposed at this time is that generally we know that  
6 they're going to have a current permit from DTSC or they  
7 wouldn't be operating. And I think it comes back to that  
8 issue of do they have -- are their financial assurances  
9 current since we're depending on that fact for DTSC to  
10 have that current, you know, as opposed to us reviewing it  
11 ourselves.

12           BOARD MEMBER PAPARIAN: So how could we easily  
13 confirm that? How should we write it so it's easily  
14 confirmable?

15           CHIEF COUNSEL TOBIAS: Well, that's the way the  
16 regs are witting at this time is to basically have us  
17 verify with DTSC that their financial assurances are  
18 current.

19           If the Board wants to accept Mr. Jones'  
20 suggestion, we would need to go back out for another  
21 15-days because we are changing the regulations. So we  
22 could certainly look at that if that was -- if the Board  
23 wanted to do that.

24           BOARD MEMBER PAPARIAN: Yeah, I'm  
25 not comfortable, Mr. Jones, with the way you suggested

1 going, because of what counsel just suggested, which is  
2 that they are related but somewhat independent of each  
3 other, the financial assurance and the permit.

4 BOARD MEMBER JONES: That's the first time I've  
5 ever heard that in 20 years or doing this or 25 years how  
6 somehow a permit that has a conformance finding that  
7 closure post-closure is part of it before it's ever  
8 issued, how somehow that's independent, because you can't  
9 get a permit without an approved mechanism.

10 What we're asking in this is so vague that  
11 because we know that the mechanism that they're using is  
12 being debated at U.S. EPA. If, in fact, U.S. EPA or DTSC  
13 says no we're going to make a change, then they'd have to  
14 notify us right away and then there's going to be some  
15 time limit when they put in something else.

16 But if we ask for a letter that says, you know,  
17 God knows how it could be crafted, do you think this is,  
18 you know, acceptable and it is in debate, then does the  
19 other agency feel comfortable with saying yeah this is,  
20 you know -- somehow they're going to have to talk about  
21 the debate, which we all understand that it's a debate.

22 And it gets back to who's got the overriding  
23 responsibility, and it's DTSC. It's a hazardous waste  
24 site. We have a responsibility to make sure that there's  
25 a closure, post-closure mechanism in place, but our

1 regulations are never going to go in to take lead on this,  
2 because it's a hazardous waste site.

3           And all I'm trying to do is get away from the  
4 issue that came forward in San Francisco when we talked  
5 about, when I was actually -- when the issue got brought  
6 up and it was like well, you approved it because it was in  
7 this clause -- in this statute number that they referred  
8 to.

9           And so I'm not trying to get them off the hook.  
10 I mean what I'm trying to do is not create another problem  
11 or another barrier that can't be hurdled and still protect  
12 us and protect DTSC. And it just seemed to me that that  
13 would be a way to do it, unless somebody has got another  
14 idea.

15           I'm afraid when they get into some of this stuff  
16 that they're going to make it so hard for anybody to write  
17 a letter, that then what are we going to do? I mean,  
18 there's no win for anybody if we force something like  
19 that. I mean, that's all my concern is.

20           BOARD MEMBER PAPARIAN: What I'm trying to get at  
21 is to assure that we are comfortable that there is an  
22 adequate mechanism in place for closure, post-closure.

23           BOARD MEMBER JONES: And I concur with you there.

24           BOARD MEMBER PAPARIAN: So if we can come up with  
25 a way to do that, that's, you know's, easy to accomplish

1 and easy to verify, it sounds like the permit may not be  
2 the way to do that.

3 CHAIRPERSON MOULTON-PATTERSON: While everyone is  
4 thinking, I have a question of staff. Staff is  
5 comfortable with the way it's proposed?

6 DEPUTY DIRECTOR NAUMAN: Yes.

7 CHAIRPERSON MOULTON-PATTERSON: I'm putting you  
8 on the spot I guess.

9 DEPUTY DIRECTOR NAUMAN: Yeah, we're comfortable.  
10 We've brought this forward and we're comfortable that we  
11 will ask the question and DTSC will answer the question.  
12 I don't have any objection to what Mr. Jones is  
13 suggesting, but legal counsel is suggesting that we look  
14 at it slightly differently.

15 CHAIRPERSON MOULTON-PATTERSON: Okay. I don't  
16 see any other comments.

17 Do we have a motion?

18 Senator Roberti, while we're thinking, do you  
19 have any ex partes?

20 BOARD MEMBER ROBERTI: No ex partes.

21 CHAIRPERSON MOULTON-PATTERSON: Thank you.

22 BOARD MEMBER ROBERTI: Excuse me, from the  
23 Institute of Local Self Reliance regarding agenda Item  
24 Number 41, conversion technologies.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you,

1 Senator Roberti.

2 Mr. Paparian.

3 BOARD MEMBER PAPARIAN: Yeah, I mean this -- what  
4 we're doing here is putting it -- either adopting it as is  
5 or putting it out for more comment, is that right?

6 DEPUTY DIRECTOR NAUMAN: Only if you change it.  
7 Counsel's suggestion was that if you go with the  
8 suggestion that Mr. Jones is making or make any other  
9 changes to the reg package today, you'll need to send it  
10 out for another 15-day comment period, so the public can  
11 see those changes that you're making.

12 If you're comfortable with the draft that you  
13 have before, you can you adopt it today.

14 BOARD MEMBER PAPARIAN: I mean I would be  
15 comfortable with it as is, but I'd be fine putting the  
16 same thing out for another 15-days to see what kind of  
17 comments we get based on counsel's suggestions here today.

18 CHAIRPERSON MOULTON-PATTERSON: But that's if we  
19 adopted Mr. Jones's way, is that --

20 BOARD MEMBER PAPARIAN: No, I think you can put  
21 it out for 15-days as is if you wanted to?

22 CHAIRPERSON MOULTON-PATTERSON: Again?

23 BOARD MEMBER PAPARIAN: There are some new issues  
24 on the table here based on the conservation we've just  
25 had. And based on those new issues we might or might not

1 get additional comments.

2           DEPUTY DIRECTOR NAUMAN: We didn't get any  
3 comments on this particular issue this time.

4           BOARD MEMBER JONES: Madam Chair.

5           CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

6           BOARD MEMBER JONES: I asked both these folks if  
7 they thought that getting this letter was going to be  
8 easy. Because as I understood it at the briefing, I said  
9 somebody from our staff is going to call DTSC and say do  
10 you have an acceptable mechanism in place. And if the  
11 answer was yes, we'd send a memo.

12           That's very much similar to what I think Garth  
13 Adams does today when he has to make that kind of  
14 compliance conformance finding for anybody that's bringing  
15 a permit forward, correct?

16           DEPUTY DIRECTOR NAUMAN: Yes, that's correct.

17           BOARD MEMBER JONES: If we were able to follow  
18 that procedure where they called DTSC and said do they  
19 have an acceptable mechanism in place? Yes, they do.  
20 Okay, you, tell the LEA, that's reasonable.

21           If they write a letter that says do you approve  
22 of this mechanism for now and forever or whatever they're  
23 going to put in the letter, because none of us are going  
24 to know what they're going to put in the letter, they may  
25 not be able to answer that letter, and then what do we do?

1 Do we say no, you can get a permit.

2           And that's what I'm just trying to avoid, because  
3 DTSC does have the overriding responsibility. This is in  
4 their sphere. And if you look on that same property that  
5 we're talking about on a Class 2 site that's under our  
6 jurisdiction, our mechanism, which we don't allow captive  
7 insurance, is in place. They don't have captives for the  
8 Class 2 side of it, but on the Class 1, they do at this  
9 point, and they're waiting to hear what the overall debate  
10 from U.S. EPA is.

11           And I just want to make sure that we're not  
12 asking for something that they're never going to be able  
13 to get as innocent as it may look.

14           BOARD MEMBER PAPARIAN: What the language is, let  
15 me make sure I'm understanding. What the language in here  
16 is asking for a written verification from our staff --

17           BOARD MEMBER JONES: To the LEA.

18           BOARD MEMBER PAPARIAN: To the LEA that Sections  
19 18225 (g) and (h) are correct, and those are the financial  
20 assurances? But that's the financial assurance for  
21 toxics, right?

22           BOARD MEMBER JONES: Right.

23           BOARD MEMBER PAPARIAN: So we'd be verifying that  
24 they are adhering to the financial assurance mechanisms  
25 that toxics is requiring.



1 BOARD MEMBER JONES: Right.

2 CHIEF COUNSEL TOBIAS: And that would be the same  
3 way we verify it now. That at that time and place the  
4 financial assurances are there. You know, you can't, I  
5 think as Mr. Jones is somewhat saying, you can't say now  
6 and forever. We don't know that financial assurances are  
7 there now and forever. But when we ask, when we look at  
8 it, we basically say at this time the financial assurances  
9 are in place.

10 If we ask DTSC and they say yes the financial  
11 assurances are in place, we would say that. If they fall  
12 out of it at some other time, and we're not looking at  
13 they're permit at that time, that would be DTSC's  
14 enforcement to deal with, if they find that financial  
15 assurances are not in place. We wouldn't necessarily be  
16 coming back around other than at the time that that permit  
17 was being considered by the LEA.

18 BOARD MEMBER PAPARIAN: Is one of the problems  
19 that I'm hearing is the written portion of this concern  
20 about --

21 BOARD MEMBER JONES: I don't have -- yes, I mean,  
22 I have no problem with our staff calling DTSC and asking  
23 them, and then our staff writing a letter to the LEA  
24 saying DTSC says that they've got all their stuff in  
25 order. That's not an issue for me. That's the way it

1 should be.

2 And if they fallout, they should notify us in 24  
3 hours that they're going to put whatever DTSC requires on  
4 them in X amount of time. I have no problem with that.

5 My problem is the word acceptable and how we view  
6 that. Now, if we give direction that it is a phone call  
7 to DTSC and a letter from our staff to the LEA that's  
8 writing this permit, then I'm comfortable with that.

9 It's the vagueness of saying no, we want letters  
10 from whoever at DTSC confirming this, this and this, where  
11 they may not be able to -- based on whatever the letter  
12 requires, they may not be able to answer.

13 CHIEF COUNSEL TOBIAS: Well, on page 8 of the  
14 proposed regs that I'm looking at in H, it says that, "The  
15 operator shall demonstrate evidence of acceptable closure,  
16 post-closure maintenance costs" --

17 BOARD MEMBER JONES: Wait, wait, wait. Where are  
18 you?

19 CHIEF COUNSEL TOBIAS: Oh, sorry. On page 8,  
20 little H in parens.

21 BOARD MEMBER JONES: Okay.

22 CHIEF COUNSEL TOBIAS: The paragraph that starts  
23 with, "Notwithstanding." And then it says, "The operator  
24 shall demonstrate evidence of acceptable closure and  
25 post-closure maintenance costs and operating liability

1 financial assurance mechanisms by providing written  
2 verification of compliance with DTSC." So that's the  
3 operator doing that.

4 And then on page 5, at the top of the page and  
5 little (b) in parens the last section in blue. Do you  
6 have a color -- well, just the underlined section there.  
7 The last --

8 BOARD MEMBER JONES: Where it says "EA shall  
9 obtain written verification from the Board"

10 CHIEF COUNSEL TOBIAS: Right. So it doesn't  
11 saying anything about the Board getting a written  
12 verification from DTSC.

13 BOARD MEMBER JONES: And if that's the case,  
14 Kathryn, I have no problem with this. It's that -- I  
15 mean, if that's what we're going to do, then that's cool.  
16 You know, there's self verification by the operator and  
17 then we contact DTSC and give a written letter to the LEA  
18 saying we've checked with DTSC and they've got a mechanism  
19 in place, then I'm fine with that. It was that  
20 variability that made me nervous.

21 CHIEF COUNSEL TOBIAS: We've met with the DTSC  
22 staff who's assured us that they can do this in a timely  
23 manner, given that it's three facilities.

24 CHAIRPERSON MOULTON-PATTERSON: Okay.

25 BOARD MEMBER PAPARIAN: As I'm reading this

1 language, as I'm hearing -- Mr. Jones, as I'm hearing you  
2 explain how you'd like it to work, I'm reading the  
3 language as being the same as the way you'd like it to  
4 work.

5 BOARD MEMBER JONES: I understand it, Mr.  
6 Paparian. But the day that I asked if that's the way  
7 we're going to do it, then I'm comfortable, I was told  
8 no. And it's anytime I'm told no, because I'm not as  
9 literal as a lot of people here, I get nervous about that.

10 And so I've got to try to explore where the walls  
11 can be. The way this was written and just explained to  
12 us, I'll make the motion.

13 CHAIRPERSON MOULTON-PATTERSON: Okay.

14 BOARD MEMBER PAPARIAN: Okay.

15 BOARD MEMBER JONES: Madam Chair.

16 CHAIRPERSON MOULTON-PATTERSON: Yes.

17 BOARD MEMBER JONES: I'll move adoption of  
18 resolution 2002-95 consideration of the adoption of a  
19 negative dec Clearinghouse number 2001101157 and propose  
20 regulations for hazardous waste disposal facilities  
21 disposing nonhazardous nonputrescible industrial solid  
22 waste.

23 BOARD MEMBER MEDINA: Second.

24 CHAIRPERSON MOULTON-PATTERSON: Okay we have a  
25 motion by Mr. Jones seconded by Mr. Medina to approve

1 resolution 2002-95.

2 Please call the roll.

3 SECRETARY VILLA: Eaton?

4 BOARD MEMBER EATON: Aye.

5 SECRETARY VILLA: Jones?

6 BOARD MEMBER JONES: Aye.

7 SECRETARY VILLA: Medina?

8 BOARD MEMBER MEDINA: Aye.

9 SECRETARY VILLA: Paparian?

10 BOARD MEMBER PAPARIAN: Aye.

11 SECRETARY VILLA: Roberti?

12 BOARD MEMBER ROBERTI: Aye.

13 SECRETARY VILLA: Moulton-Patterson?

14 CHAIRPERSON MOULTON-PATTERSON: Aye.

15 BOARD MEMBER JONES: Madam Chair.

16 CHAIRPERSON MOULTON-PATTERSON: Yes.

17 BOARD MEMBER JONES: I'd like to move adoption of

18 resolution 2002-96, consideration of the adoption of a neg

19 dec and the proposed regs for the hazardous waste Disposal

20 facility disposing nonhazardous nonputrescible industrial

21 solid waste.

22 BOARD MEMBER MEDINA: Second.

23 CHAIRPERSON MOULTON-PATTERSON: Mr. Eaton, is

24 this one of those that I can say substitute the previous

25 roll call?

1 BOARD MEMBER EATON: I believe so, Madam Chair.

2 (Laughter.)

3 CHAIRPERSON MOULTON-PATTERSON: I've been dying  
4 to say that.

5 (Laughter.)

6 CHAIRPERSON MOULTON-PATTERSON: Okay, substitute  
7 the previous roll call.

8 BOARD MEMBER EATON: Literally and figuratively.

9 CHAIRPERSON MOULTON-PATTERSON: Okay number 12  
10 was pulled.

11 Number 13.

12 DEPUTY DIRECTOR NAUMAN: Item 13 is discussion of  
13 Local Enforcement Agency evaluations through December 31st  
14 of 2001.

15 Just by way of background, we've been before the  
16 Board several times over the course of the last 12 to 18  
17 months talking about the LEA process. As early as January  
18 this year, you looked at the regulations on designation  
19 and dedesignation. And we've talked about performance  
20 issues in the past.

21 This is a formal process following LEA  
22 certification where the statute requires the Board to  
23 review LEA performance on a regular basis.

24 Our first LEA evaluation cycle was concluded in  
25 1996. And in the tradition that we're now continuing

1 staff came before the Board at that time summarizing the  
2 results of that first cycle evaluation.

3           At that time, 24 of the 56 LEA's were found to be  
4 fulfilling their duties and responsibilities, 26 did  
5 require evaluation workplans to address evaluation  
6 findings, five administrative conferences were held at  
7 that time.

8           And I've asked Gabe Aboushanab who will be making  
9 the presentation, to provide the Board with a little more  
10 information about that first cycle and some of the things  
11 that we feel, as a staff, we learned from this first round  
12 of evaluations, which then put us into kind of our own  
13 evaluation process, and led to the establishment of this  
14 second round of evaluations that you're going to hear  
15 about today.

16           So this is kind of an ongoing process where we  
17 stop after each evaluation cycle and take a look back at  
18 how it worked and whether all our needs were met and the  
19 interests of the LEAs were served as well.

20           And we're planning to do that again. At the  
21 conclusion; of this second cycle, we'll be convening an  
22 evaluation team, if you will, which will include LEAs and  
23 board staff and board member office staffs to help us  
24 craft the approach that we'll take for our next cycle.

25           So with that, I'll turn it over to Gabe to five

1 you an overview of that first cycle and then to walk you  
2 through the findings of our second cycle.

3 MR. ABOUSHANAB: Thank you, Ms. Nauman.

4 Good afternoon, Madam Chair and Board Members.

5 Gabe Aboushanab of the LEA program assistance and  
6 evaluation section.

7 As Julie mentioned, I'm going to quickly go  
8 through some of the feedback we received at the conclusion  
9 of first cycle.

10 (Thereupon an overhead presentation was  
11 presented as follows.)

12 MR. ABOUSHANAB: We received comments that the  
13 evaluation did not adequately stress the positive aspects  
14 and strengths and accomplishments of the LEA's  
15 performance. They focused on what was not done rather  
16 than what was done. We also received comments that the  
17 evaluation should emphasize information needed to identify  
18 LEA issues to provide training and assistance.

19 --o0o--

20 MR. ABOUSHANAB: Some actually felt the process  
21 took too much of their time, was cumbersome, bureaucratic  
22 and appeared that the evaluation was not clearly  
23 identified.

24 --o0o--

25 MR. ABOUSHANAB: Some were surprised by some



1 findings and voiced concerns that issues mentioned in the  
2 evaluation would never have become issues if they were  
3 brought to their attention. They would have been solved  
4 before evaluation.

5 --o0o--

6 MR. ABOUSHANAB: There were also comments  
7 regarding evaluations being used politically by the Board  
8 and viewed as threatening, and there was concern over  
9 statewide consistency of these evaluations. We had to  
10 work from comments received that the evaluation emphasized  
11 minor issues and ignored the big picture, what is good in  
12 a jurisdiction.

13 --o0o--

14 MR. ABOUSHANAB: And there were also comments  
15 about inadequate communication between P&E branches with  
16 respect to issues that span more than one branch and go  
17 across branches of responsibility, also, inadequate  
18 communication between the branches and the LEA.

19 --o0o--

20 MR. ABOUSHANAB: So the mentioned feedback and  
21 some others were utilized by workgroup, following the  
22 first cycle, and the procedure was revised.

23 That effort should be duplicated at the  
24 conclusion of this second cycle for anything we learn from  
25 going through this time.

1 --o0o--

2 MR. ABOUSHANAB: As far as the process itself,  
3 the procedure is again approved and provided for you as  
4 Attachment 2 and 3 of this agenda item. You do not need  
5 to go there, I will hitting the high points, unless you  
6 wish to.

7 The evaluation process is really designed to make  
8 sure that the LEAs provide consistent enforcement of  
9 statute and regulations and that the LEAs, when  
10 appropriate, implement their board approved enforcement  
11 program plan. And also that the LEAs remain in compliance  
12 with their certification requirements.

13 --o0o--

14 MR. ABOUSHANAB: I'd like to mention that the  
15 evaluation findings are based strictly on statute, PRC  
16 43214. "We actually find an LEA not fulfilling its duties  
17 and responsibilities if..." And again according to  
18 statute, "...the LEA has failed to exercise due diligence  
19 in the inspections of facilities and disposal sites, if  
20 the LEA has intentionally misrepresented the results of  
21 inspections, if the LEA has failed to prepare or cause to  
22 be prepared permits, their revisions or closure and  
23 post-closure maintenance plans."

24 --o0o--

25 MR. ABOUSHANAB: Also, "If the LEA has approved

1 permits, revisions or closure plans which are not  
2 consistent with statute. "

3           Another one is, "That the LEA has failed to take  
4 appropriate enforcement actions."

5           And finally, "If the LEA has failed to comply or  
6 has taken actions that are inconsistent with or  
7 unauthorized by statute and regulation."

8           This finding number 6 is particularly useful with  
9 respect to quality aspects of an LEA's performance. This  
10 is true for duties too, which are detailed enough in  
11 regulations as far as what is complete, acceptable and  
12 adequate.

13           For example, the LEA requirements for a proposed  
14 permit package under Title 27, Section 21650 is pretty  
15 detailed as far as what's needed to deem a permit  
16 application complete and acceptable.

17           We actually found an LEA did not make that  
18 finding correctly, and that was under Finding 6 here.

19                               --oOo--

20           MR. ABOUSHANAB: Now, the LEA evaluation results,  
21 of course, can go two ways. The LEA can be found to be  
22 fulfilling responsibilities. And if that's the case,  
23 that's good and fine, because we commend them for a job  
24 well done. And if we find some minor recommendation for  
25 enhancement in their program, we do so.

1 --o0o--

2 MR. ABOUSHANAB: Of course, the evaluation  
3 findings could find the LEA not to be fulfilling  
4 responsibilities. And in this case we follow a stepped  
5 approach to deal with this that's outlined in the LEA  
6 evaluation procedure, and I want to quickly go through the  
7 stepped approach.

8 --o0o--

9 MR. ABOUSHANAB: It can be boiled down to three  
10 steps. I hope you can see this. The first step is an  
11 evaluation workplan. This is where we require the LEA to  
12 submit for approval a plan of action to address the  
13 performance findings in an evaluation on a site-by-site  
14 basis.

15 Now, if this doesn't work, we go to step 2, which  
16 is an administrative conference. Now, this is pretty  
17 serious. The attendees include the LEA's program manager,  
18 director, P&E Division Deputy Director, appropriate branch  
19 managers whose issues are involved, and in the past the  
20 Executive Director had his or her designee there and a  
21 board representative was there also.

22 The idea is to overcome compliance issues at this  
23 point without having to drag the Board into it. And, of  
24 course, if that fails, we have you involved and board  
25 action.

1 --o0o--

2 MR. ABOUSHANAB: Now, I'd like to quickly go  
3 through the follow-up we do. When we have a workplan, we  
4 monitor the LEA's compliance with a workplan. We do so on  
5 a three-month basis, quarterly, for at least three  
6 consecutive periods or until the work is complete.

7 And basically one outcome is the LEA meets the  
8 workplan requirements and that's perfect, because that  
9 finalizes the monitoring process and essentially concludes  
10 the evaluation process.

11 --o0o--

12 MR. ABOUSHANAB: We rely on division staff  
13 assigned to the jurisdiction to continue to work closely  
14 with the LEA. And this is to make sure that the program  
15 needs are met on an ongoing basis.

16 Now, another outcome would be where the LEA  
17 doesn't meet the workplan requirements. I mentioned  
18 earlier the administrative conference, we do go to that.  
19 And if compliance is achieved as a result of the  
20 administrative conference, well that's all good and well  
21 too, because this concludes the process. And, again, we  
22 rely on division staff assigned to the jurisdiction to  
23 work closely with the LEA to make sure things keep going  
24 well.

25 --o0o--

1           MR. ABOUSHANAB: And they have at their disposal,  
2 what we call, the internal triggers which address ongoing  
3 issues. They send up flags for performance. And I  
4 believe Sharon will be touching upon that in her part of  
5 the presentation.

6                               --o0o--

7           MR. ABOUSHANAB: Now, we have an administrative  
8 conference, and compliance is not achieved, that's another  
9 scenario. What happens at this point is we prepare an  
10 agenda item for your consideration. We present to you all  
11 the available options for the Board, and I want to quickly  
12 make you aware of what those are.

13                              --o0o--

14           MR. ABOUSHANAB: The Board may take a set of  
15 option, one or more in any order they wish, based on  
16 statute. You could establish a schedule on a probationary  
17 period for improved LEA performance, and I believe Board  
18 Members Jones may recall going through this with Inyo  
19 County in the last cycle at least two or three times.

20                   And the Board can assume partial responsibility  
21 for specified LEA duties. This could be on a site-by-site  
22 basis, on a -- part of the program could be inspections  
23 permitting on enforcement.

24                   The Board can conduct more frequent inspections  
25 and evaluations. You could ask for a jurisdiction to be

1 evaluated outside the three-year cycle, right on number 3  
2 there.

3 And you may implement any other measures which  
4 you determine to be necessary to improve LEA performance  
5 and compliance.

6 And five is similar, it says you may take any  
7 objection you determine necessary to ensure LEAs fulfill  
8 their obligations.

9 --o0o--

10 MR. ABOUSHANAB: Now, we have an urgency step  
11 that's also required by statute. If we find that  
12 conditions at a solid waste facility threatens public  
13 health and safety or the environment, the Board must,  
14 within ten days of notifying the LEA, take over, become  
15 the enforcement agency.

16 And this remains so until a new agency is  
17 qualified, is designated approved and certified by the  
18 Board and the Board would, at that point, be able to build  
19 for their expenses of doing this.

20 --o0o--

21 MR. ABOUSHANAB: Now, I would like to assure you  
22 that we don't really paint happy faces here on LEA  
23 evaluations in this process. LEAs that are found to be  
24 fulfilling their responsibilities have indeed done so.  
25 This is collaborated by all branch stuff assigned to that

1 jurisdiction during the process.

2           And I hope when you see the data that Dmitri  
3 Smith will be presenting, as far as evaluation findings  
4 and then followed by Brenda, who will be going through the  
5 workplan status, you will agree with that.

6           This concludes my presentation. And Sharon will  
7 also be, by the way going, through the local assistance  
8 who deal with the LEA's afterwards.

9           I will be happy to answer any questions at this  
10 time.

11           CHAIRPERSON MOULTON-PATTERSON: I don't see any,  
12 so you can just continue on with the presentation, if you  
13 will.

14           MR. SMITH: Hello, Madam Chair and board members.  
15 My name is Dmitri Smith of the LEA Program and Assistance  
16 Evaluation section.

17           I'm here today to present the evaluation findings  
18 section of this item. As a December 31st, staff has  
19 completed three-quarters or 41 out of 56 LEA evaluations.  
20 At this time, I'll ask you to refer To attachment number 5  
21 entitled second cycle LEA evaluation summary.

22           And can you please refer to the comments section,  
23 which is to your far right of the spreadsheet. This  
24 spreadsheet will provide a detailed explanation of the  
25 evaluation outcomes. Please note that the term fulfilling



1 duties refers to an LEA that does not have any program  
2 implementation issues.

3 The term fulfilling most of these refers to an  
4 LEA that has some program implementation issues.

5 Mean while, the term evaluation workplan refers  
6 to an LEA that has has not fulfilled all his duties and  
7 responsibilities.

8 I'm using another term called issues that are on  
9 a spreadsheet. An issue refers to -- describes a problem  
10 or a concern, but it does not necessarily mean a trend, so  
11 we do not consider it to be a finding.

12 The way to explain that is an LEA who fails to  
13 perform an inspection, a couple of inspections within a  
14 year, who performs all their inspections for the remaining  
15 years.

16 As you can see, this is not a trend. However, it  
17 is a concern on our part, so we labeled it as being an  
18 issue.

19 As noted earlier, 41 of 56 LEAs were evaluated  
20 within the State of California. Thirty of the 41 LEA's  
21 fulfilled their duties and responsibilities. Eleven of  
22 the 30 LEAs had minor implementation issues that were  
23 addressed during the evaluation process. Eleven of the 41  
24 LEAs were not fulfilling their duties and  
25 responsibilities. Six of these 11 LEAs required

1 workplans. Five of these 11 LEAs do not require a  
2 workplan since the evaluation findings were resolved or  
3 substantially under way.

4 --o0o--

5 MR. ABOUSHANAB: A majority of the program  
6 findings fall into one of these following categories.

7 We had four instances in which the LEA failed do  
8 due diligence in the inspection of solid waste facilities  
9 and disposal sites. This is compared to 16 in the first  
10 cycle.

11 We had eight LEa that failed to take  
12 appropriate -- failed to prepare or cause to be prepared  
13 permits, permit revisions for closure and post-closure you  
14 maintenance plans. This is contrast at 25 in the first  
15 cycle.

16 We have two instances in when LEAs failed to take  
17 appropriate enforcement action. This is compared to 21 in  
18 the first cycle. We have one LEA which failed to maintain  
19 certification requirements, and we had 2 LEAs which failed  
20 to comply with actions taken inconsistent with  
21 unauthorized by statute or regulations.

22 Please note that in the first cycle we did not  
23 have any findings for certification maintenance  
24 requirements or for the failure to comply with or take  
25 actions inconsistent with stats or regs.

1 --o0o--

2 MR. SMITH: As of December 31st, 2001, the  
3 following LEAs were currently being evaluated. And if you  
4 refer to your monitor, those are the ones identified as  
5 being in progress.

6 We currently have five LEAs that remain to be  
7 scheduled and evaluated, and those five LEAs are under the  
8 to-be-announced column.

9 At this time, I ask the Board if they have any  
10 questions or need any clarification on anything I have  
11 just reviewed?

12 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
13 Smith.

14 Mr. Paparian.

15 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

16 In several instances we are the LEA, that is the  
17 Board is the LEA, are we among those 56 or are we apart  
18 from the 56 when you count them up?

19 MR. SMITH: We did not include those in the 56.

20 BOARD MEMBER PAPARIAN: How are we evaluating  
21 ourselves. Do we evaluate ourselves in the same time  
22 lines, the same process?

23 MR. SMITH: I'll let Gabe answer that question.

24 MR. ABOUSHANAB: I believe we can, but how it  
25 would be viewed when you're evaluating yourself would be

1 about question, but yes we can as soon as we get through  
2 the to-be-announced list, is go through where we are on  
3 the EA and go through the same process as a benchmark that  
4 would help us judge how we fair, while not compared to the  
5 LEAs themselves. I think we can do it.

6 BOARD MEMBER PAPARIAN: I don't want to bog this  
7 down here, but I think that where we're the LEA, we should  
8 be somehow subjected to the same type of review, and, you  
9 know, potential for probation that the rest of the LEAs  
10 are.

11 BOARD MEMBER JONES: Decertification.

12 MS. ANDERSON: Just as a clarification in the --  
13 Sharon Anderson LEA Support Services Branch Manager. We  
14 did evaluate ourselves during the first cycle and I  
15 actually was the manager of the program for the EA section  
16 when I was getting evaluated prior to this current job  
17 that I have. And we actually had a lot of things  
18 uncovered that we needed shoring up and we did that, at  
19 that time. So we have set a precedent, we've done that to  
20 ourselves.

21 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.  
22 Anderson.

23 Mr. Paparian, were you finished?

24 BOARD MEMBER PAPARIAN: For now, thank you.

25 CHAIRPERSON MOULTON-PATTERSON: Any other

1 questions, comments?

2 Mr. Jones.

3 BOARD MEMBER JONES: Just one. Dmitri, on the  
4 LEA that failed to maintain the certification, is that --  
5 I mean, did that LEA fail with ongoing education or did  
6 they not have permitted -- or REHSs in the county or --

7 MR. SMITH: Actually, with that one it wasn't  
8 that complex. It was more so that the LEA failed to  
9 submit components of the EPP during our evaluation.

10 BOARD MEMBER JONES: So is the workplan for them  
11 to meet their EPP?

12 MR. SMITH: They actually got the information and  
13 that particular LEA did go to the workplan which Brenda  
14 will present later on, but, yes, they are in compliance  
15 right now with all their failures.

16 BOARD MEMBER JONES: Thank you.

17 CHAIRPERSON MOULTON-PATTERSON: Thank you.

18 Mr. Medina.

19 BOARD MEMBER MEDINA: Yes, Madam Chair. I just  
20 wanted to make a change in Attachment 2, page 13-12 under  
21 Administrative Conference, under the heading Purpose. It  
22 says "To hopefully resolve any conflicts arising from an  
23 LEA evaluation or subsequent evaluation workplan  
24 monitoring."

25 I'd like to strike the word "hopefully". I'd

1 like to make that a more positive statement in support of  
2 the purpose.

3 CHAIRPERSON MOULTON-PATTERSON: Okay.

4 Where was that, I lost it.

5 BOARD MEMBER MEDINA: 13-12 Attachment 2 under  
6 Administrative Conference. It currently states, "to  
7 hopefully resolve..." I'd like to strike out that  
8 "hopefully" and make it more positive just to state to  
9 resolve.

10 CHAIRPERSON MOULTON-PATTERSON: Thank you.

11 Okay. Mr. Smith or anyone of you, I just, while  
12 I'm thinking of it, how do you address problems with  
13 poorly written permits or other documents? Is that  
14 address to informal staff comments or will the staff  
15 trigger an LEA evaluation?

16 DEPUTY DIRECTOR NAUMAN: Maybe we should help you  
17 with that one, because I had that discussion with the  
18 staff Friday as we were looking through the PowerPoint  
19 presentation. And I said, you know, it seems to me that  
20 the statutory scheme that's set out here has some  
21 constraints.

22 And that, as Dmitri walked through, that kind of  
23 the six bases upon which we evaluate, they're kind of  
24 absolute. They're kind of did you do it or did you not do  
25 it. And except with the very last one where he commented

1 we can sort of get to quality. It's very difficult for us  
2 under the current scheme you didn't do it quite right.  
3 And when we're having the discussions about the calendar,  
4 and we've had discussions about determinations of  
5 completeness and correctness, we've again, you know, come  
6 right up and in front of faced that issue.

7               But the evaluation process itself, you know, I  
8 would argue has some, you know, real constraints on our  
9 ability to be able to -- for me to call an LEA say for the  
10 last three rounds; I've seen some serious problems with  
11 your application packages.

12              We can bring those application packages to the  
13 Board and you can say start over again, but it's really  
14 done on a more informal basis, and actually as Sharon will  
15 point out, when she does her piece of it, really through  
16 technical assistance did we try to offer that support and  
17 say there may be some reasons why we're experiencing the  
18 problem we're experiencing with your work but we need to  
19 try and work through that thought. But it doesn't really  
20 directly come through the evaluation process.

21              CHAIRPERSON MOULTON-PATTERSON: Thank you.

22              Mr. Paparian.

23              BOARD MEMBER PAPARIAN: Yes. Thank you, Madam  
24 Chair. Following up on that. I mean, yes, it seems like  
25 what we have in place right now is getting to the LEAs who

1 get the equivalent of an F in a certain subject area. And  
2 what I think the Chair is asking is what about the C  
3 minuses and D pluses that are out there.

4 And what you're suggesting is that there is a  
5 legal constraint that we don't have the statutory  
6 authority to kind of go in the in-between area?

7 DEPUTY DIRECTOR NAUMAN: Well, I think if you  
8 look at the statutory language and the six bases upon  
9 which we perform the evaluation, the formal evaluation  
10 process. And maybe if it's too hard for you guys to go  
11 back to that slide, you can see that the language talks  
12 about, you know, did you prepare the permit, did you  
13 prepare the closure, post-closure plan. Let's see if I  
14 can get back to it. I know it's in your packet but so  
15 that everybody can see it, let's try and resurrect it.

16 They're kind of threshold questions, except for  
17 six. As you can see, "Fail to exercise due diligence in  
18 inspections, intentionally misrepresenting inspection  
19 reports."

20 There really isn't any one of these with the  
21 exception of number 6 that we talked about where we can  
22 kind of get at some more qualitative performance issues.

23 MS. ANDERSON: Just to piggy-back on that, it  
24 still has to be based on statute and regulation. And  
25 there is a whole cadre of regulations that guides an LEA



1 on what their roles and responsibilities are, and that's  
2 where we hang our hats. So, you know, you're right, there  
3 are restrictions.

4 BOARD MEMBER PAPARIAN: I wonder if the counsel  
5 wants to comment on this. You know, I imagine a situation  
6 where someone, I guess the example was if they're  
7 submitting chronically crummy applications, do we have --

8 CHIEF COUNSEL TOBIAS: I like that, "chronically  
9 crummy applications." Can we go back to number 3 on this  
10 page, the previous page on this.

11 You know, it seems to me and Elliot and I were  
12 just talking about this, that we might be able to expand  
13 some of these to deal with this in regulations, that, you  
14 know, would basically say, and I'm really just kind of  
15 casting this out at this point, that, you know, I think  
16 three where, "LEAs failed to prepare, caused to be  
17 prepared permits..." probably might have been more to deal  
18 with the idea of, you know, that they're not getting  
19 permitted facilities in.

20 But I'm not so sure that we couldn't in  
21 regulations say that we would like to deal with properly  
22 prepared permits and that type of thing, so we could  
23 certainly look at some regulations.

24 I think it would need to be done in regulations  
25 and you'd want to do it through that process to try to get

1 to that. But I'm not so sure that we couldn't look at  
2 some of these statutory requirements and see if it's not  
3 susceptible to that.

4 BOARD MEMBER PAPARIAN: Yes. I'd certainly like  
5 to pursue that, because where I'm not comfortable is where  
6 you know -- either someone comes out shining or they fail  
7 and we don't really address enough the in-between area.  
8 And I think we could do something where we can address the  
9 in-between ares and hopefully bring those folks up a  
10 little higher to be a very positive thing.

11 DEPUTY DIRECTOR NAUMAN: And we would hope at the  
12 conclusion Of this cycle when we convene the workgroup  
13 that these are the kinds of issues that we could grapple  
14 with that, for whatever reason, were not felt appropriate  
15 to grapple with after the first cycle.

16 CHAIRPERSON MOULTON-PATTERSON: Thank you.  
17 Mr. Jones.

18 BOARD MEMBER JONES: Thanks Madam Chair, I think  
19 number three does get you where you need to go. And I  
20 think once you look -- once you guys research it, there  
21 should be a way to make that happen.

22 But I think on the one thing we can can't ignore  
23 is that there's a responsibility on the State Waste Board  
24 staff. We've gotten things characterized to us as being  
25 poorly done, bad, they didn't agree with it. That doesn't

1 necessarily mean that the LEA did the wrong thing.

2           There may have been a complete difference of  
3 opinion. And I've seen it. And I sure have seen in, I  
4 think most of these board members have seen it, where an  
5 LEA feels adamantly about something, and the board staff  
6 has felt differently, and characterized as something other  
7 than done.

8           And I think we have to be careful, when we're  
9 doing this, that I agree, I mean, when we're the LEA in  
10 three places or two places, we need to evaluate ourselves.  
11 I'm not saying board staff is wrong. What I'm saying is  
12 we have to be careful, if we're going to hold the LEAs to  
13 a standard of completeness that they meet our standards,  
14 we've got to make sure our standards are right and not  
15 arbitrary.

16           I remember submitting a permit that I purposely  
17 draw the site map freehand, so that there would be no  
18 question that it was not to some spec. And I got a call  
19 the day before I came here to get that permit done and was  
20 told that it didn't really match any ratio. And I said  
21 it's a freehand drawing, it's conceptual. Oh, well that's  
22 not going to do. Why? There is nothing in the  
23 regulations that tells me I've got to do something  
24 different.

25           It's that kind of arbitrariness that we've got to

1 just be cautious about, and I think we are, but I get  
2 nervous when we have a debate from this dais about a  
3 condition or something that the LEA has brought forward,  
4 and before the LEA has a chance to talk about it, our  
5 staff has suggested that we could deal it through the LEA  
6 evaluation, which to me is cutting the legs out from under  
7 an LEA, just over a difference of opinion.

8 I don't think it's right.

9 But I think we can get to it through number 3 as  
10 long as we hold ourselves to the same standard.

11 DEPUTY DIRECTOR NAUMAN: And we have tried very  
12 hard through the development of the permit tool box that's  
13 on line to be able to give the LEA's a very clear  
14 indication of what our expectations are consistent with  
15 statute and how to prepare a complete and adequate  
16 application package.

17 So I think the more clear we can be through  
18 whatever vehicles of communication we have and through the  
19 training we can provide, we can begin to overcome some of  
20 these problems. There needs to be willingness on both  
21 sides.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you. And  
23 thank you Mr. Smith.

24 Who was following?

25 MR. SMITH: Right now I'd like to introduce

1 Brenda Saldana.

2 MS. SALDANA: You're getting the whole thing.

3 I'll be quick. Good afternoon, board members, I'm Brenda

4 Saldana and I will be providing you on an update on the

5 second cycle LEA evaluation workplan that we've been

6 working on through the December 31st, 2001.

7 (Thereupon an overhead presentation was

8 presented as follows.)

9 MS. SALDANA: So if you will return to Attachment

10 6 in your packet. And basically I'm going to be expanding

11 on that attachment and answering any questions. And

12 hopefully you'll have a good idea of what's going on with

13 the workplan based on the slides and that attachment.

14 Okay. As of December 31st, 2001 there were six

15 LEA's on the workplan. And for your information, I'll be

16 following along the attachment as we discuss each LEA's

17 workplan.

18 --o0o--

19 MS. SALDANA: Okay. The first one Shasta Trinity

20 Counties. The evaluation found that the LEA failed to

21 pair the five-year permit review reports, so therefore the

22 workplan requirement was to complete these permit reviews.

23 The LEA processed all the reviews, so the

24 workplan was deemed complete.

25 --o0o--

1           MS. SALDANA: The next one, imperial County, the  
2 evaluation found that the LEA failed to prepare permit  
3 revisions for landfills that had old '79, '80 and '85  
4 permits. The workplan requirement was to revise permits  
5 for eight sites. The status is that the CIWMB concurred  
6 with permit revisions for seven sites in 2001.

7           There is one left Palo Verde which we anticipate  
8 coming really soon. There's a little additional delay  
9 because of CEQA issues.

10           And there's two remaining sites that we've  
11 identified in the evaluation, Picacho and Brawley that are  
12 currently under negotiations with the AB 2136 program.

13           So the status is that a majority of the work plan  
14 is complete. It's ongoing until we get that final permit,  
15 Palo Verde revised.

16                               --o0o--

17           MS. SALDANA: San Benito County, the evaluation  
18 found that the permit needed to be revised and the LEA  
19 needed to issue an enforcement order. The status is that  
20 CIWMB concurred with the permit revision, December 2001.  
21 The LEA issued the enforcement order November 2001. I'm  
22 sorry those are backwards. And the enforcement order was  
23 basically requiring the operator to submit a complete and  
24 correct package.

25           So the status is this workplan is complete.

1 --o0o--

2 MS. SALDANA: Alameda County, the evaluation  
3 found that the LEA was inconsistent with statute and regs.  
4 This finding was based on the situation where the LEA did  
5 not immediately issue a cease and desist order for an  
6 unpermitted site, U.S. Pipe and Foundary, that was  
7 disposed in waste.

8 So the workplan requirement was that the LEA  
9 update their procedures to ensure this doesn't happen  
10 again. The status is that the LEA did update their  
11 procedures. They followed up with an enforcement order.  
12 The site stopped taking waste, and the LEA is now  
13 performing a monthly inspection. The workplan is  
14 complete.

15 --o0o--

16 MS. SALDANA: For Tulare County, the evaluation  
17 found that two permits, Visalia and Woodville disposal  
18 sites, needed to be revised. The status is that the LEA  
19 and CIWMB are exploring permit options for Woodville.

20 And the CIWMB concurred with the permit revisions  
21 for Visalia in October of 2001. The status is this  
22 workplan is ongoing until that Woodville permit is  
23 revised.

24 --o0o--

25 MS. SALDANA: San Luis Obispo county, this

1 workplan is in the final negotiation stages. The status  
2 is basically that the evaluation staff are reviewing the  
3 workplan. The LEA is currently incorporating comments.

4 --o0o--

5 MS. SALDANA: So, at this time, if you have any  
6 questions, I'd be happy to answer them.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you.

8 MS. SALDANA: And I'll turn the presentation over  
9 to Sharon Anderson.

10 MS. ANDERSON: Sharon Anderson, once again, LEA  
11 support services branch manager. Well, you've heard a lot  
12 of the dialogue, in-depth more than you probably wanted to  
13 know about the second cycle of the LEA evaluations. I  
14 think it's very useful information for everyone to hear to  
15 share with.

16 And you also heard a little brief overview of the  
17 first cycle and what we learned. And because of the bumpy  
18 road that we did experience during the first psyche, and I  
19 mean bumpy bad, there was a lot of conflict, not that  
20 conflict is, in a sense, bad itself. It promoted us to  
21 take a look at how we could change our process.

22 And one of the things that we instituted in  
23 changing that process is the legislative mandate of 43217,  
24 which is our guiding premise to provide technical  
25 guidance, training and assistance to the LEAs.



1                   Is anyone clicking for me?

2                                   --o0o--

3                   MS. ANDERSON: I looked back at the dais and  
4 there's nobody there.

5                   There's a whole list of things that we've  
6 implemented in the division and here are at the Board to  
7 get at providing the training guidance and technical  
8 support. One of the main things was our targeted  
9 assistance through the triggers. And I know that there's  
10 sort of a standing joke of when have you pulled the  
11 triggers.

12                  But essentially our permitting and inspection  
13 staff are constantly looking at those trigger options as  
14 red flags for performance downturns. Sometimes, we get to  
15 them, but at the very beginning of when the performance is  
16 turning down with an LEA, and we're able to stand there  
17 and offer them a hand, a helping hand.

18                  One of the things that I wanted to point out with  
19 the triggers is it's always important for our agency to be  
20 approachable by the LEAs. And if you want to go ahead and  
21 click on the remaining list of things that we've done.

22                  One of the things that we've done to be more  
23 approachable as a board is provide a lot more tools and  
24 resources to the LEAs, all the assistance levels,  
25 everything that could possibly happen.

1                   So in extending a hand to the LEAs we're viewed  
2 as far more approachable so that when they do have a  
3 situation where they're having a hard time dealing with  
4 it, they feel more free to come to us as opposed to just  
5 fly it in our face, you know, because sometimes we do see  
6 that situation where it feels like we're just getting  
7 jammed or something like that.

8                   So my role as the branch manager for Julie is to  
9 make sure that we have a lot of these options available  
10 and to work with Mark de Bie and Scott Walker and the  
11 other branch managers to continue to provide the  
12 assistance that the LEAs needs to get the job done.

13                  That's it.

14                  CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.  
15 Anderson. We do have -- oh, Mr. Eaton.

16                  BOARD MEMBER EATON: I just have one question, if  
17 you've finished there.

18                  We have five that we are the LEAs on?

19                  MS. ANDERSON: Right.

20                  BOARD MEMBER EATON: Has it always been? I  
21 thought there was three.

22                  MS. ANDERSON: Yeah, at one time it was three and  
23 then we took over a couple more cities, the City of El  
24 Paso, De Robles and the City of Stockton.

25                  BOARD MEMBER EATON: When did those take place?

1 MS. ANDERSON: Ninety --

2 BOARD MEMBER EATON: I mean they were awhile ago,  
3 right?

4 MS. ANDERSON: Yes.

5 BOARD MEMBER EATON: How much does that cost us  
6 and how do they not -- can anyone just give it to us?  
7 Now, a couple of them were forced, is my understanding.

8 MS. ANDERSON: Yes, Stanislaus and Santa Cruz  
9 came out.

10 BOARD MEMBER EATON: Were enforced, I know. So  
11 the other volunteered?

12 MS. ANDERSON: Um-hmm.

13 BOARD MEMBER EATON: And what is the rationale  
14 for volunteering, like the City of Berkeley, Stockton and  
15 the other one?

16 MS. ANDERSON: My hunch is the underlying  
17 situation there was that they chose -- they looked inside  
18 to be their own LEA and they chose to not do that. And so  
19 they turned to the Board and said we can't find our --  
20 we're not doing it ourselves and by law you have to take  
21 it.

22 BOARD MEMBER EATON: They dedesignated them.  
23 They dedesignated their current LEA, their county.

24 CHAIRPERSON MOULTON-PATTERSON: And by law we  
25 have to do it?

1 MS. ANDERSON: Yes.

2 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

3 BOARD MEMBER JONES: Just a quick follow-up,  
4 Madam Chair. To Mr. Eaton's question, they then pay us to  
5 perform that from the city?

6 MS. ANDERSON: Yes.

7 BOARD MEMBER JONES: Let me just ask you one  
8 clever question. Do we give that city an LEA grant to  
9 defer the cost?

10 MS. ANDERSON: No.

11 BOARD MEMBER JONES: Good. Thank very much. I  
12 just was really hoping that was the answer, but I didn't  
13 know, okay.

14 (Laughter.)

15 BOARD MEMBER EATON: That's what separates us,  
16 Mr. Jones, we'll never ask a question we don't know the  
17 answer to.

18 BOARD MEMBER JONES: That's why you're a lawyer  
19 and I'm a garbage man.

20 (Laughter.)

21 CHAIRPERSON MOULTON-PATTERSON: Thank you. Did  
22 you wish to speak before our speaker, Mr. Paparian?

23 BOARD MEMBER PAPARIAN: Yes, just quickly, a  
24 couple things. I think it would be interesting to have  
25 maybe every six months or so an update of where we're at

1 with these various issues that we've discussed today,  
2 maybe with the P&E Subcommittee, and maybe at a board  
3 briefing.

4           And then I don't want to lose site of what I  
5 suggested before, and so I'd like to suggest that maybe we  
6 come back in a few months after counsel has had a chance  
7 to look at this issue of what, you know, might be possible  
8 under the existing statutes, and report back to us with  
9 some of the options that might be available for the  
10 further discussion.

11           CHIEF COUNSEL TOBIAS: Perhaps May.

12           CHAIRPERSON MOULTON-PATTERSON: That's fine.

13           BOARD MEMBER PAPARIAN: Yeah.

14           BOARD MEMBER JONES: Madam Chair.

15           CHAIRPERSON MOULTON-PATTERSON: Yes, Mr. Jones.

16           BOARD MEMBER JONES: I'm sorry, just real quick.

17 I think one of the things that we're going to find since  
18 the Chair has put together committees, we're going to find  
19 that a lot of the issues that we have to hash out from  
20 this dais that are troublesome to us on permits are going  
21 to really be taken care of at the Committee meetings.

22           We're going to be able to deal more specifically  
23 with a lot of issues. And there won't be as much -- we  
24 get two cuts at the apple. And what I always found was  
25 there it really gave us the opportunity to work through

1 some of these issues, where we had more time and then they  
2 were able to resolve them before they came to the full  
3 board.

4 So a combination of the two. But I just want to  
5 point that out, I think that's one of the significant  
6 benefits of the committees is it gives us that opportunity  
7 to go through a lot of this stuff. And we'll flesh out  
8 our differences of opinion between staff and the LEA's and  
9 that.

10 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
11 Jones.

12 Justin Milan.

13 MR. MILAN: Thank you, Madam Chair and Board  
14 Members. Justin Milan with the Environmental Health  
15 Directors.

16 Actually, it's great to be up here and have an  
17 opportunity to exactly commend ourselves. I go back about  
18 eight or nine years with the LEA program, and I can tell  
19 you that since Julie's been on board and certainly over  
20 the last three years we've made tremendous progress.

21 As you heard, the first go round we had 26 LEAs  
22 with workplans, and now we're down to six. And I  
23 certainly don't think that's any reason because they have  
24 been laxer. In fact, I think they've probably been a  
25 little more rigorous.

1           And I think that's reflective of the fact that  
2 five or six years ago we started the so-called partnership  
3 between the Board and the LEAs. And if it did anything,  
4 what it did is just what Sharon mentioned. Unlike Arthur  
5 Andersen and Enron, it did actually give us an opportunity  
6 to call up the Waste Board and say listen we've got a  
7 couple of things to sort out, can you help us.

8           And that's really what the partnership was. But  
9 when it comes to the actual evaluation, we think it's been  
10 fair and we think it's been rather thorough. So we  
11 certainly want to commend the Board, commend the staff on  
12 implementing this, and as you can see, if you look at the  
13 actually flow chart of the evaluation process, it is very  
14 thorough, and I think it's transparent.

15           I think the LEAs know what they're going to be  
16 expected to do. They're going to have a fair evaluation.  
17 It's going to be written up. And there are appropriate  
18 steps, tiered steps to take if they've failed in their  
19 duties. And I don't think it's a meat cleaver approach,  
20 where you just decertify them because they've messed up on  
21 one or two things. There is a way of improving them  
22 through the process.

23           On behalf of the environmental health directors  
24 who are ultimately responsible for the vast majority of  
25 the LEAs, we'd certainly support making the improvements

1 that you've recommended, Board Member Paparian.

2 I think there are areas in the permitting and the  
3 way that we submit permits that we can make improvements.  
4 I think there some difficulties however, because you do  
5 have local discretion. They're, to some extent, local  
6 permits. There's a certain interpretations of this those  
7 permits. So when we draft up the requirements or the  
8 expectations of the LEA, we need to do those carefully, so  
9 that the LEA, as Board Member Jones says, knows what is  
10 expected of her or him in the preparation of that.

11 We certainly look forward to working with you in  
12 making this program even more successful. And I must tell  
13 you that we've used it on a number of occasions as a model  
14 of State and local partnership. We have used it as a  
15 model in the hazardous waste program, and, in fact, have  
16 plagiarized a lot of the regulation and taken it into what  
17 he call the Cooper Program, six programs in the local area  
18 where we deal with hazardous waste materials, generators,  
19 where we deal with business plans, et cetera. And we  
20 followed pretty closely along your model for both the  
21 reporting and the evaluation.

22 So I'd be happy to answer any questions if you  
23 have any of us. But, again, I'd like to commend your  
24 staff. I think the dual role of providing the assistance  
25 to the LEA has been very, very workable, very successful



1 and we look forward to the next round.

2 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
3 Milan.

4 I don't see any questions.

5 Any other comments by the Board?

6 We had the one direction that you were going to  
7 look into Ms. Tobias, six-month updates to the P&E  
8 Committee. And thank you for a very complete  
9 presentation.

10 Number 14.

11 DEPUTY DIRECTOR NAUMAN: Item 14, is discussion  
12 of and request for direction on Alternative Daily Cover in  
13 response to workshops that we've conducted in January of  
14 2002.

15 I know he's here some place. There he is. Scott  
16 Walker will make the presentation.

17 MR. WALKER: Thank you, Julie. This item  
18 presents results of the workshops that the Board directed  
19 staff to have on Alternative Daily Cover issues. And in  
20 this item we provide some suggestions to the Board of  
21 options for further directions.

22 The ADC policy issues are cross-divisional. And  
23 I just want to acknowledge that the work related to this  
24 item has been a collaborative effort of the permitting and  
25 enforcement, Division, Planning and Local Assistance, and

1 Waste Prevention and Market Development divisions and also  
2 the Board's legal office.

3 Background, a little bit of background. The use  
4 of waste derived ADC as I've been in front of the Board  
5 and repeated on numerous occasions, for diversion at  
6 landfills has been subject to significant debate and  
7 controversy since development of board-related policies in  
8 the early 1990s.

9 Legislation in 1996 clarified the legislative  
10 intent that ADC and other beneficial use of waste  
11 materials at landfills constitutes diversion through  
12 recycling.

13 This legislation also required the Board to adopt  
14 regulations, and in doing so to consider the viability of  
15 the composting industry. Composting and other recycling  
16 and biomass industries compete for feedstocks that are  
17 also used for ADC.

18 At the July 2001 board meeting, there were two  
19 items presented regarding a large increase in reported ADC  
20 use for the year 2003, that was recorded in the Board's  
21 disposal reporting system. The Board took specific action  
22 on nine landfills related to this regarding potential ADC  
23 misreporting and also overuse in conflict with State  
24 minimum standards.

25 The Board also directed staff to convene a

1 working group of the public and stakeholders to develop  
2 options for addressing three broad categories of ADC  
3 policies issues. And these categories include, one,  
4 statement minimum standards and Local Enforcement Agency  
5 guidance.

6           The second category is ADC reporting and impacts  
7 on jurisdiction diversion achievement.

8           And the third is market impacts of ADC.

9           The Board subsequently approved a workplan for  
10 this effort requiring that staff bring back to the Board  
11 options at the February board meeting which is why we're  
12 here today.

13           Staff is also directed to record input separately  
14 on legislation and any other issues that the stakeholders  
15 brought up, but not develop specific options in those  
16 areas.

17           Public workshops were conducted using a -- we  
18 tried a little different way this time. We did an  
19 interactive format, underwhich staff acted as facilitators  
20 for this effort. There were over 80 participants  
21 represented. We had a really good -- I thought a really  
22 good broad representation of stakeholders at these  
23 workshops, one of which was January 10th in Diamond Bar in  
24 southern California and the other was January 17th in  
25 Sacramento.

1           There were breakout groups formed to the extent  
2 possible to be broadly representative of the different  
3 stakeholder interests, and each breakout group was tasked  
4 to identify statements of ADC issue problems, in an  
5 afternoon session identifying potential solutions.  
6 Consensus was desirable, but it was not required.

7           I just want to give you a little update on ADC  
8 reporting before we get into the three areas. Staff has  
9 received a recorded corrected disposal reporting system  
10 reporting for seven facilities that were identified last  
11 July that incorrectly reported ADC use in 2000.

12           The remaining two facilities Fontana and Colton  
13 Landfills in San Bernardino County reported a high  
14 percentage of green material ADC use. And one of those  
15 facilities was confirmed in the field to have exceeded the  
16 thickness limit for ADC.

17           As directed by the Board, these facilities were  
18 further investigated for potential overuse of ADC and  
19 audited for tipping fee payments by the Board of  
20 Equalization. This audit is nearing completion and will  
21 be reported back to the Board soon hopefully in April.

22           Just a quick idea of this corrected reporting.  
23 Initially, the reporting basically we've gotten a much  
24 smaller increase of ADC use now in the year 2000.  
25 However, it's also important to point out that there was

1 been an overall increase and a progressive steady increase  
2 from previous years.

3           The initial 2000 reporting showed total ADC at  
4 about five million tons or about 15 percent of the total  
5 statewide disposal and ADC use, and of that 4.3 million  
6 tons of green material ADC.

7           Since we've corrected the reporting, the total is  
8 now Alternative Daily Cover at 2.9 million tons, the  
9 total, or 6.9 percent of total disposal and ADC, and 1.7  
10 million tons of this is green material ADC.

11           And there's a number of reasons why the  
12 reporting. Basically, there was a lot of things going on  
13 like the two inert facilities were substantial tonnage  
14 that was actually reported as green waste ADC and that  
15 subsequently was found to be disposal.

16           There were reporting of other beneficial uses of  
17 waste material as green material ADC. There was  
18 misreporting of soil hauled into the site as cover, and  
19 that was reported as ADC. Some of that was reported as  
20 green waste ADC. So there's a number of factors that  
21 resulted in the corrected reports being a lot less.

22           With that, and, again, you know, 1999 let me just  
23 give you an idea, the total was 2.3 million tons total  
24 ADC, with 1.5 million tons green waste. And in 1998 the  
25 total was 1.7 million tons with 1.1 million tons of green

1 waste ADC. So there still has been a progressive  
2 increase, but much less of a jump that we initially  
3 thought for the year 2000.

4 And with that, I will now present some results of  
5 the workshop including the specific option in those three  
6 years. And then we'll conclude with a summary of the  
7 other issues and legislation brought up by stakeholders.

8 The first category of Statement Minimum Standards  
9 and the LEA guidance, basically the majority of workshop  
10 participants did convey that the current ADC State Minimum  
11 Standards and reporting requirements should be updated or  
12 revised to improve clarity and consistency of enforcement,  
13 and that these issues cannot be addressed solely through  
14 LEA guidance, like the LEA advisories, because such  
15 guidance is not enforceable without the regulations to  
16 back them up.

17 Stakeholders also recommended that more training  
18 and technical assistance be provided.

19 The minority of participants did convey that the  
20 current State minimum standards in their belief are  
21 adequate. And there really is not a sufficient basis or  
22 evidence of a problem to justify revising those standards.

23 However, many of the composting and other  
24 recycling participants believe that the current ADC  
25 standards put them in a competitive disadvantage because

1 their processing costs are significantly higher.

2           There's also a minority viewpoint that the Board  
3 has restricted authority in adopting State minimum  
4 standards regs, solely on the basis of public health and  
5 safety in the environment, not on market impacts,  
6 composting and other industries.

7           The Board's legal office has opined that the  
8 Board does have authority to address these other issues,  
9 broader issues and would have to determine through the  
10 rule-making process that any such conditions are necessary  
11 and appropriate.

12           Three categories of issues brought up by  
13 participants to address in the revised State minimum  
14 standards. The first being material processing's grain  
15 size, acceptable level of contamination and consistency  
16 with industry or ASTM ADC standards.

17           The second is the need to consider or look into  
18 reporting and control of other beneficial uses of waste  
19 material at landfills like mulch or wet weather decks,  
20 road, things like that. There are currently no standards  
21 that apply to other beneficial uses of waste material at  
22 landfills.

23           The third is that there was comments to the  
24 effect that the storage and handling of ADC materials  
25 needs to be updated including consistency with the Board's

1 proposed regulations for compulsive organic and  
2 construction and demolition to the facility operation.

3           And also the South Coast AQMD proposed Rule 1133.  
4 There were some definition issues in there that  
5 stakeholders brought up as needing to look into for  
6 regulations.

7           A controversial, very controversial issue, is  
8 tonnage thresholds for overuse. It is not clear, at this  
9 time, if enforceable thresholds or guidelines for ADC  
10 overuse could be established, because reminding the Board  
11 that originally the staff had proposed to do thought, but  
12 the Office of Administrative Law rejected that a number of  
13 years ago.

14           The suggested option for the Board direction in  
15 this category includes one, to initiate an informal  
16 rule-making process with the stakeholders to develop  
17 revised ADC State minimum standards, based on the  
18 workshop.

19           And option 2 is the suggestion that we conduct  
20 enhanced LEA training on ADC issues and regulations at the  
21 2002 LEA conference, and that based on that training we  
22 would expand the training to other venues and other  
23 stakeholders.

24           The second major category is the alternative  
25 daily cover disposal reporting and impacts on



1 jurisdictions. And in this category the majority of the  
2 participants conveyed the disposal reporting system, the  
3 ADC data collection, the consistency, the analysis and  
4 timeliness are significant problems that need to be  
5 addressed.

6           The key thing here is that if the ADC tonnage  
7 reported to the DRS is inaccurate, this could adversely  
8 impact jurisdiction's ability to achieve AB 939  
9 compliance, and also impair the assessment of potential  
10 overuse in ADC in impacts of composting in other markets.

11           Another area is the currently other beneficial  
12 uses of waste materials at landfills are not required to  
13 be reported in the DRS, and there's not consensus as to  
14 whether or not that should be reported. Composting and  
15 other recycling industry participants were supportive, but  
16 landfill industry participants generally not supportive of  
17 that.

18           It is also not clear, at this time, if there is  
19 authority to require such reporting or whether this  
20 reporting should or could be included separately in the  
21 State minimum standards.

22           The main thing with this category is that many of  
23 these issues and proposed solutions that were raised at  
24 the workshops are basically the same as those addressed in  
25 the SB 2202 report to the Legislature approved by the

1 board in November.

2           Item 46 of this board meeting will consider  
3 approval of the SB 2202 workplan. Therefore, rather than  
4 suggest a whole other venue or initiative on these issues,  
5 the staff suggested direction in this category is to  
6 address the DRS and impacts on jurisdiction issues raised  
7 in the ADC workshop through implementation of the Board's  
8 SB 2202 workplan.

9           In other words, roll those right into that SB  
10 2202 workplan. They basically already are in there and to  
11 continue that.

12           I think with that now I'm going to shift over to  
13 Howard Levenson on the market impact section so that he  
14 can present the results of that category.

15           MR. LEVENSON: Howard Levenson with the Waste  
16 Prevention and Market development. I'll just take a  
17 couple minutes to talk about the discussions at the  
18 workshop on impacts on markets.

19           As some of you know, some composters have claimed  
20 over the years that allowing jurisdictions to gain credit  
21 for using green material as ADC negatively impacts their  
22 ability to get feedstock at competitive prices.

23           But on the other hand, other composters have  
24 indicated that ADC use contributes positively because it  
25 provides a market for some of their products.

1           None of these claims have been backed by  
2 quantitative data or analysis. There's two major problems  
3 in our minds in trying to assess or analyze ADC impacts.

4           First of all, it will be very difficult to  
5 determine conclusively whether green material ADC use has  
6 any impact, whether that's negative positive or neutral on  
7 producers and markets, because as the agenda item  
8 explains, there are many different causal factors involved  
9 and ferreting them out would be difficult.

10          Also, we would need to collect and verify  
11 financial data. In other words, open the books of compost  
12 producers and probably some landfill operators in some  
13 proprietary manner, but we would have to be able to verify  
14 the kind of information about costs and revenues in order  
15 to even begin sorting out those different causal factors.

16          So we can gather some very interesting  
17 information, but we can't tell you for sure today that an  
18 analysis is going to conclusively demonstrate that there  
19 are impacts one way or the other from ADC use on composts  
20 markets.

21          That was kind of our conclusion going -- or our  
22 working assumption going into the workshops. And, in  
23 general, that was verified but there were a number of  
24 suggestions at the workshops.

25          Participants at the two workshops did suggest

1 that the Board consider two different kinds of studies,  
2 not necessarily exclusive. The first one and this is  
3 option 4 on page 2 of the agenda item, is a yearly  
4 infrastructure survey, which would obtain information on  
5 trends and organics recycling and production, but not on  
6 economic impacts of ADC use.

7           This is akin to the infrastructure survey that we  
8 conducted in 2000 and published last year, and this is  
9 something the Board can proceed with now. The Board, in  
10 October of 2001, as part of Contract Concept 21, allocated  
11 \$75,000 for compost related surveys. We've used about  
12 \$25,000 of that to support testing related to the South  
13 Coast AQMD Proposed Rule 1133. There's about \$50,000 left  
14 from that concept.

15           And as I'll talk about in a minute, that is very  
16 inadequate for conducting any kind of assessment of ADC  
17 impacts on compost markets, but it is sufficient for  
18 conducting a second infrastructure assessment.

19           So we, in Option 4, are asking your direction in  
20 proposing using the remaining funds for second a  
21 infrastructure survey or assessments. And we would return  
22 in March to you with the scope of work for that  
23 assessment.

24           The second study that the workshop participants  
25 recommended the Board considering is a more detailed

1 analysis on economic impacts of ADC use. And, as I  
2 mentioned, getting the data will be difficult, getting  
3 sufficient verifiable financial data will be difficult,  
4 and ferreting out all the factors will be difficult, so we  
5 think that we need to do a little bit more work before we  
6 can effectively structure an analysis and bring it back to  
7 you for your consideration. And we can do this pretty  
8 rapidly.

9 But it also is going to need a lot more funding.  
10 So we are recommending, and I'll go through a couple  
11 different variations, but we're basically recommending  
12 that you direct us to seek additional input on this kind  
13 of study, and then return to you with a contract concept  
14 for it.

15 There are several different variations. Option  
16 5, and by the way we're recommending in this set Option 7,  
17 but option 5 would be a statewide economic analysis of ADC  
18 impacts on the organics industry. In other words, look at  
19 everybody in the State and try to figure out how we would  
20 assess economic impacts on all parties involved.

21 Option 6 would be the same thing, except it would  
22 expand this beyond the organics recycling industry to  
23 include biomass to energy and construction and demolition  
24 debris industries, which was suggested at the workshop.

25 Option 7 would scale this down a little bit to do

1 a regional analysis of ADC impacts on the organics  
2 recycling industry, for example take several subregions in  
3 southern California and maybe contrast it with a bay area  
4 subregion.

5           And Option 8 would be a regional analysis on  
6 organics plus biomass to energy plus C&D. These are all  
7 likely to be very costly, based on feedback from workshop  
8 participants, which was limited in terms of how much this  
9 would cost. And also staff discussions with several  
10 private and university resource economists and others, we  
11 think it's going to probably run well over \$200,000,  
12 depending on the scope of it, but that, at this point, is  
13 just really a first order guess.

14           Within those four options that I've outlined,  
15 Options 5 and 7, which focus on the organics recycling  
16 industry fit within the statutory basis that's provided in  
17 PRC 41781.3(b), which basically is part of the statute  
18 that set up the regulations for ADC, and it talked about  
19 focusing on the economic impacts on the composting  
20 industry.

21           So we are recommending Option 7, which is on page  
22 three, basically that you direct us to further consider a  
23 regional economic analysis of ADC impacts on the organics  
24 recycling industry, that we go out and get some more input  
25 and we can do that very rapidly, and then develop a new

1 contract concept, either as part of the reallocation for  
2 funding of this fiscal year's funds or as part of next  
3 year's cycle, a new contract concept for your  
4 consideration.

5           At a minimum, pursuing a regional analysis,  
6 whether we can conclusively demonstrate impacts or not  
7 would allow you to get a better handle on the study design  
8 and the feasibility of obtaining data and even  
9 constructing economic models, but it's, as I say, we're  
10 not sure that we can get the answers that you might be  
11 desiring.

12           So with that, I'll turn it back to Scott, unless  
13 you have any questions.

14           CHAIRPERSON MOULTON-PATTERSON: Thank, Mr.  
15 Levenson.

16           BOARD MEMBER EATON: Can I ask a question of  
17 Howard?

18           CHAIRPERSON MOULTON-PATTERSON: Certainly.

19           BOARD MEMBER EATON: Isn't the problem with the  
20 regional is that it skews the results, and the fact that  
21 in the north we've all know got leveled, that the organics  
22 industry as well as the ADC folks are in an economic  
23 competition for feedstock, because both are well  
24 developed, to some degree, more than the south, because of  
25 permitting process and land use processes and other kinds

1 of things.

2               So if you pick the north, you're going to get  
3 your desired result. Whereas, a statewide analysis kind  
4 of looks at the areas where things need to be done and  
5 what other impacts there are, where you can't isolate just  
6 one factor to skew the results.

7               And I think that's troublesome to me, because  
8 it's the same arguments that, you know, I heard ten years  
9 ago, that there's all this impact. And yes there is  
10 impact where there is competition for the feedstock, but  
11 where is it that we have fully developed markets by which  
12 to be able to make the evaluation, and that's really the  
13 key question, because we don't.

14              We're under siege now in southern California  
15 through Air Board regulations, which may or may not ever  
16 allow any kind of industry development whatsoever for  
17 composting. And so that's why I'm a little hesitant that  
18 we go into just a regional, but look a statewide, to some  
19 degree, what there are, and what has been the impact to  
20 the locals.

21              I mean if you just go -- this all is from an  
22 organics standpoint, but what is the impact to cities and  
23 counties as it relates to their diversion?

24              That's not in part of your study. And you  
25 already have the scope of work, you told me just a few



1 minutes ago, ready to go, come back in March.

2 MR. LEVENSON: That was for the Infrastructure  
3 survey, the other part. We do have a draft scope of work  
4 on this, and I agree with you.

5 BOARD MEMBER EATON: But those are the things  
6 that are troublesome to me.

7 MR. LEVENSON: If I could just point out one  
8 thing, by regional we did figure that we could have to do  
9 some comparison of southern California versus Bay Area.  
10 That's more a choice just of scoping to make it  
11 manageable. I think we could certainly go forth and  
12 solicit an opinion on a statewide if that's the  
13 preference. And there's no conceptual there at all.

14 BOARD MEMBER EATON: Well, I just have one  
15 question for Mr. Walker. The figures you gave, when you  
16 made the revised ADC numbers. Did I get you that it went  
17 from 2.9 million was the revised tonnage, is that right?

18 MR. WALKER: The total revised tonnage is  
19 approximately 2.9 million tons of ADC for 2000.

20 BOARD MEMBER EATON: From?

21 MR. WALKER: From about five million --

22 BOARD MEMBER EATON: Okay.

23 MR. WALKER: -- was the initial report.

24 BOARD MEMBER EATON: And was that revised tonnage  
25 based on how many -- was that just the four facilities?

1           MR. WALKER: It was primarily the seven, but  
2 there were some others that there were some minor  
3 corrections that came in, and there were some other  
4 landfills that came in with actually recording its use  
5 where they did report it before.

6           BOARD MEMBER EATON: Right. And you all know I'm  
7 trying to strike a balance, because I do think there needs  
8 to be some sort of reform in this area. But we have seven  
9 facilities that took up roughly two-fifths of all the ADC.

10           So when you talk about abuses and impacts, I  
11 mean, what are we really talking about. I mean you  
12 talking about seven facilities which generate two million,  
13 and, you know, I agree, I'm glad to see we got fines out,  
14 but those seven facilities, I mean, that's real the key  
15 component right here where we talk about an impact that  
16 skewed the numbers.

17           And that's the kind of information I'd like to  
18 kind of get out and feel for, because that is what's  
19 taking place. I mean, there are, you know -- in those  
20 same facilities are back trying to do it again, so to  
21 speak, with other materials.

22           But that's an amazing figure where you dropped  
23 almost 2.1 million tons and you still remain with 2.9 for  
24 the rest of the State. So if you throw that out, then you  
25 have to evaluate based on that.

1           The other thing about the LEA training, one of  
2 the issues that I have is I think it's good that we're  
3 going to do it at the conference, but I'd also like to  
4 integrate it where we actually physically go out and look  
5 at, because when you see it how they, you know, compress  
6 it on a face, is much different than reading it or seeing  
7 it in a classroom, as we all know.

8           And how do we do that makes a big, big  
9 difference, because I think that's the problem that the  
10 LEAs face is that it's not they don't understand how much  
11 should be there, but how do you evaluate it and when it's  
12 actually being done.

13           MR. WALKER: And I think that one thing to point  
14 too is I didn't want to imply that we're not continuing  
15 ongoing training and assistance, so we do get our in the  
16 field periodically.

17           And I think that after the 2002, you know, we're  
18 already thinking about ways to expand this and to field  
19 trips and things like that and different stakeholders.

20           BOARD MEMBER EATON: Like in classroom or in  
21 field trips. But I just wanted to bring to the Board's  
22 attention that the five million revision, when they  
23 revised it, came from just a handful of facilities. And  
24 that to me is very, I think, enlightening at least as it  
25 relates to the problem. It doesn't mean that there aren't

1 problems, but the fact of the matter is what are the  
2 problems and how to isolate those problems, is what I'm  
3 trying to get at, as opposed to, you know, it's good, it's  
4 bad, it's not. I mean it really is what we need to be  
5 looking at.

6 Thank you.

7 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

8 BOARD MEMBER JONES: Thanks, Madam Chair. Just  
9 quickly, I'm glad that you touched on those, Mr. Eaton.  
10 We could do -- it just occurred to me, you know, we've  
11 done the most violated or the most egregious violations in  
12 our training. We're doing load checking right now in our  
13 training. Maybe we do training on ADC. I mean, it's a  
14 subject.

15 But anyway, did we factor into these discussions  
16 the impacts? Mr. Eaton, referred to PR 1133 and that's  
17 going to be devastating, but the material that is the  
18 treatment -- I forget the --

19 MR. LEVENSON: CCA.

20 BOARD MEMBER JONES: Yeah, that the treatment to  
21 wood that right -- you know, before -- you know the green  
22 wood that we used to be able to find, we used to be able  
23 to pull it out, now they paint it or stain it every color.  
24 So there's no way for an operator sometimes to even know  
25 that that material has been treated. Yet if it goes to a

1 biomass plant, it creates a hazardous ash.

2           You know one of the people that came in and  
3 talked to me about it says, you know, this would be  
4 perfect for ADC. We've got Sudden Oak Death Syndrome,  
5 where the feds are now saying you can't move it very far.  
6 We've got an awful lot of issues that are impacting the  
7 composting community and the solid waste community, but  
8 they're also going to -- I mean, some of what we do with  
9 ADC's are homes over at composting facilities, material  
10 that doesn't have a home on otherwise.

11           Southern California would be dead meet if they  
12 didn't have ADC as far as AB 939 goes, just ask any of  
13 them.

14           But I'm a little worried when we're talking about  
15 some of these things to not include these four, at least,  
16 big issues that are impacting a composer's ability to  
17 compost. We don't know if the feds are going to allow  
18 composting to deal with Sudden Oak Death.

19           Hopefully, they will, but --

20           MR. LEVENSON: We certainly can include. What we  
21 would do if you direct us to consider a statewide or other  
22 kind of analysis to further consider that and bring an  
23 item back to you as a contract concept, we could send out  
24 very quickly to all the participants at the workshops, a  
25 kind of draft scope of work that incorporates questions to

1 compost operators, landfill jurisdictions -- I mean  
2 landfill operators, local jurisdictions, we could send  
3 that to you for review to see if you have the right kinds  
4 of questions.

5           We can definitely includes those issues as well  
6 as any others. Obviously, it's just going to make it even  
7 more complicated, but, I think we can shy away from that.

8           BOARD MEMBER JONES: Can I ask a question? I  
9 mean, you know, this is market driven. I mean we all know  
10 that this is driven by the market. Did we ask all of the  
11 people that want to do this, all the composters and  
12 processor of that material, if they send material to  
13 landfills as ADC? Did we ever ask them that?

14           MR. LEVENSON: We've done that as part of the  
15 first infrastructure survey. And, of course, those were  
16 masked summarized results, but that survey did indicate  
17 that about 20 percent, if I recall the numbers correctly,  
18 20 percent of the statewide production in the organics  
19 recycling industry was for ADC. It was a higher  
20 percentage for chippers and grinders, obviously and a  
21 lower percentage for composters. I think the average was  
22 20 percent.

23           BOARD MEMBER JONES: But I guess the question is  
24 ADC becomes one of the pieces that any processor does,  
25 okay. You send so much off for fuel, so much is compost

1 feedstock, so much is mulch. And there is a material that  
2 goes as ADC.

3 If every one of the composters was asked a  
4 question, does a part of your wastestream go as ADC? What  
5 do you think the answer is going to be, out of 10 what do  
6 think the answer is going to be?

7 MR. LEVENSON: Certainly a lot of them.

8 BOARD MEMBER JONES: Nine, eight?

9 MR. LEVENSON: Six, seven, eight.

10 BOARD MEMBER JONES: I mean we have to be aware  
11 of that when we're trying to fashion something here, that  
12 everyone of these people has to use ADC as an outlet for  
13 their material, otherwise they're going to pay a disposal  
14 fee to dump compost overs. I don't think you're to going  
15 see any of them do that.

16 MR. LEVENSON: Well, that's why I started this by  
17 saying it would be hard to demonstrate positive, neutral  
18 or negative impacts, because of all those different  
19 factors.

20 BOARD MEMBER JONES: Exactly. So, I mean, I  
21 think we really need to think about some of the comments  
22 that came in from people, because we may have forgotten to  
23 ask one or two questions. It's disingenuous to say I'm a  
24 composter, I can't compete with ADC, if a fraction of the  
25 waste stream that they deal with goes as ADC. It's

1   disingenuous us.

2                   And when we start talking about statement minimum  
3 standards, we have a standard. Scott, you wrote the  
4 standards when I was on this Board of what ADC should look  
5 like and how deep it should be. Those standards have  
6 protected the environment and health and safety, correct?

7                   MR. WALKER: Correct.

8                   BOARD MEMBER JONES: Is it not one of the  
9 proposals that instead of being allowed to have a 12-inch  
10 piece of shredded wood, some of it 12 inch, that it now  
11 all be 3-inch. And what does that do? It drives the cost  
12 up of that material. These are competitive issues.

13                   The 12-inch according to everything I heard five  
14 years ago when we were going through this protected the  
15 environment. There's not a whole lot of 12-inch, but  
16 there's part of it, it comes out when you shred stuff.

17                   I mean, that's what I think we need to be really  
18 looking at is where have we missed? We've missed because  
19 operators have gotten excessive with the way they've put  
20 it on. Sometimes they didn't process it, even though the  
21 regs say must be processed in the past tense.

22                   I think we need to spend time to train operators  
23 and LEA of what's going to be acceptable and not  
24 acceptable before we start, you know, throwing the baby  
25 out with the bath water and putting in a lot of new



1 requests for information, when maybe it could be as simple  
2 as asking one more question.

3 So thanks, Madam Chair.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you.

5 Mr. Paparian.

6 BOARD MEMBER PAPARIAN: Yes. Thank you, Madam  
7 Chair. First of all, I want to compliment the staff for  
8 coming up with an excellent report on this issue. I know  
9 it's one of those issues that begins with the letter A  
10 that's very emotional for the people involved. And I  
11 attended the first workshop, and I could see that. I  
12 think the staff has done a remarkable job of pulling  
13 things together on this contentious issues.

14 It looks like you're looking for some direction,  
15 you know, you had the Options 1, 2, 3, 4 and 7, as  
16 suggested options to continue pursuing. And I certainly  
17 agree with that. I agree also with Mr. Eaton's suggestion  
18 that that we look more comprehensively statewide at some  
19 of the economically related issues.

20 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
21 Paparian. I was just going to remark that I just wanted  
22 to be clear that your recommendation was that the Board  
23 focus its directions on 1, 2, 3, 4 and 7. And the fact  
24 that there aren't any public comments, public speakers, I  
25 think you've done a great job.

1                   And I think that hearing nothing else, I think I  
2 would say the Board agrees with you.

3                   MR. LEVENSON: If I could just ask for one point  
4 of clarification. We will look at the statewide  
5 implications as opposed to just a regional as we go out.

6                   CHAIRPERSON MOULTON-PATTERSON: Okay. Mr. Eaton.

7                   BOARD MEMBER EATON: I'd like one other thing,  
8 because is it is somewhat emotional, but I think also you  
9 have to realize that I don't feel, at least because I  
10 worked on this legislation, that I have to defend it if  
11 something is not going on that shouldn't be, because I  
12 don't.

13                  But what I still can't understand and we had this  
14 discussion before, is that we know how many tons go into  
15 these facilities every day. We know that by the State  
16 minimum standards that X amount of a material goes on that  
17 for the protection of health and safety, which is then  
18 defined as ADC.

19                  Why can't the people who get that information,  
20 whether it's DPLA, go give it to the organics or whoever  
21 and we come up with a finite number. I mean, that's  
22 really how the game is played, because then the game, in  
23 essence, says we know that there's been 800 tons. So if  
24 20 people use it and it's applied in this manner, you come  
25 up with five tons, so there's like 13 tons out there that

1 isn't allowable.

2           In addition to all this other stuff, that's the  
3 key component right here, and we will find out, one,  
4 whether it's the operators or, two, is it the people who  
5 are reporting it or supposed to be reporting it not  
6 reporting it properly, is it the consultants who work with  
7 local governments who say ADC is a way to go through it.

8           I mean, there's got to be a way that we know, at  
9 least within a few percentage points, of how much is being  
10 applied and where and how often? It's a finite number.  
11 And what we're proceeding on is that it's a finite number.

12           Well, if we only allow X amount of tons and we  
13 assume that we're filling up each and every one of these  
14 holes and then how much is applied, I mean, that  
15 information is available to us. We have to just pull it  
16 together.

17           So instead of spending -- in addition to spending  
18 money we ought to be pulling some of that material  
19 together as well.

20           MR. WALKER: Just to add on to board member  
21 Eaton's comment, the issue of thresholds, you know, is  
22 something we're going to explore in this rule-making  
23 development. But one of the things, some time -- and we  
24 have some, kind of, rules of thumb that we could use.  
25 It's not just thickness, but it's cover soil to waste

1 ratios that can be converted to ADC based on conversion  
2 factors.

3 But, you know, sometimes the equation gets a  
4 little complicated because certain lands fills, real small  
5 lands fills, normally use a lot more soil, and then when  
6 you get different types of ADCs. But it's something that  
7 is doable in terms of a guideline, whether or not a  
8 threshold or something like that can be developed remains  
9 to be seen, but clearly there are some rules of thumb that  
10 we have been using in the investigation, and we want to  
11 kind of bring that out more to everybody, so that they see  
12 it and can comment on it.

13 CHAIRPERSON MOULTON-PATTERSON: Okay, thank you.  
14 We're going to take a ten-minute break right now, and then  
15 we'll come back and do number 15.

16 (Thereupon a brief recess was taken.)

17 CHAIRPERSON MOULTON-PATTERSON: I'd like to call  
18 the meeting back to order, please.

19 We're on item number 15.

20 DEPUTY DIRECTOR NAUMAN: Thank you, Madam Chair.  
21 Item 15 is discussion of and request for direction  
22 regarding --

23 CHAIRPERSON MOULTON-PATTERSON: Excuse me, I'm  
24 sorry. I better do ex partes first.

25 Mr. Eaton.

1               BOARD MEMBER EATON: Quick hello to George Larson  
2 to Mark Aprea. I think that's all the bumped me on the  
3 way out.

4               CHAIRPERSON MOULTON-PATTERSON: Thank you.  
5 Mr. Medina.

6               BOARD MEMBER MEDINA: None to report.

7               CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

8               BOARD MEMBER PAPARIAN: None.

9               CHAIRPERSON MOULTON-PATTERSON: I have none.  
10 Senator Roberti?

11              BOARD MEMBER ROBERTI: None.

12              CHAIRPERSON MOULTON-PATTERSON: Okay.

13              Sorry, Ms. Nauman.

14              Now, we'll go on with 15.

15              DEPUTY DIRECTOR NAUMAN: Discussion of and  
16 request for direction regarding remaining landfill  
17 capacity reporting.

18              And Bridget Brown will be making the  
19 presentation.

20              MS. BROWN: Good afternoon, Madam Chair and Board  
21 Members. I'm Bridget Brown with the Permitting and  
22 Enforcement Division. This item is a discussion and  
23 request for direction regarding remaining landfill  
24 capacity.

25              You may recall the July agenda briefing workshop,

1 at which staff presented an item that discussed  
2 recommendations regarding remaining landfill capacity  
3 identified in the California State Auditor's Report.

4 At that time, the Board directed staff to bring  
5 an item back for further discussion. The auditor's report  
6 recommended that the Board update its database and require  
7 local governments to report accurate landfill capacity  
8 information on an annual basis in a consistent manner.

9 To achieve the most accurate and consistent  
10 remaining landfill capacity data for California, staff  
11 recommends drafting regulations to collect current  
12 landfill capacity information from solid waste landfill  
13 operators.

14 This information will be used to create a new  
15 landfill database to enable the Board to quickly access  
16 the most current information on statewide remaining  
17 landfill capacity.

18 Regulations will require solid waste landfill  
19 operators to provide, one, site specific remaining  
20 landfill capacity in a volumetric measurement, cubic  
21 yards, for the same time period each year.

22 Two, site-specific compaction rates. This will  
23 provide more site specific information instead of applying  
24 a statewide average to all sites.

25 Three, site-specific ratios of waste-to-cover

1 material instead of statewide ratios. Operators know the  
2 types of cover material used throughout any given time  
3 period and volumetric space used by that material.

4 Four, other components affecting remaining  
5 capacities such as closure requirements or settlement over  
6 time. And, five, the type of survey methodology used to  
7 determine remaining capacity.

8 This baseline information will be retained in a  
9 database designed to generate useful and accurate  
10 information regarding remaining landfill capacity.

11 New data will be requested each year, thereafter,  
12 to account for any changes in compaction rates or methods  
13 of applying daily cover such as tarps or foam that may  
14 occur during a particular year.

15 This annual submittal would enable the  
16 information to be recalibrated as site-specific practices  
17 impact remaining landfill capacity.

18 The Board currently obtained some information on  
19 remaining landfill capacity in the state from various  
20 Board programs. These programs receive information useful  
21 for their specific needs, but based upon staff's review  
22 the information currently gathered is not in a frequency  
23 or form that is useful for preparing accurate, annual  
24 remaining landfill capacity reports on a statewide basis.

25 A more precise methods is necessary to make the

1 important determination of remaining landfill capacity in  
2 the State as recommended by the State Auditor.

3           To establish the most accurate and consistent  
4 remaining landfill capacity data for California, staff  
5 recommends that the Board direct staff to draft  
6 regulations addressing the collection and maintenance of  
7 remaining landfill capacity information for California,  
8 and require staff to create a database identifying  
9 statewide remaining landfill capacity to be updated  
10 annually.

11           Staff requested a legal opinion as to whether the  
12 Board can establish regulations to request this  
13 information from landfill operators. The legal office has  
14 indicated that the Board does have the authority to  
15 prepare such regulations.

16           We have begun contacting industry representatives  
17 to begin a dialogue regarding an accurate and consistent  
18 system for annually reporting remaining landfill capacity  
19 in the State. This concludes my presentation.

20           Staff is available to answer any questions you  
21 may have.

22           CHAIRPERSON MOULTON-PATTERSON: Thank you.

23           Questions?

24           Mr. Jones.

25           BOARD MEMBER JONES: Thank you, Madam Chair.



1 Just briefly. I had a discussion with Julie Nauman. I've  
2 also spoken Gary Arstein-Kerslake. We approved two  
3 permits today for Mono County. Both of those permits  
4 indicate what the design capacity is that we just  
5 permitted, one was 320,000 cubic yards, the other was  
6 340,000 cubic yards.

7           We have a computer system that we like to tout,  
8 and I think rightfully so, as one of the best in all of  
9 the Cal EPA agencies. And I think we do have an  
10 obligation to be able to determine landfill capacity, both  
11 regionally and on a statewide basis.

12           But we also have the tools available to us  
13 through Mr. Sitts' system that he's working on, as well as  
14 Mr. Schiavo's system where we've got the DRS reporting  
15 that tells us how much tonnage goes to a landfill every  
16 quarter. We've got the BOE which substantiates that with  
17 fees. We know that in most places in the State of  
18 California, garbage transfers, it equates to about 1,200  
19 pounds per cubic yard compacted in place. It's going to  
20 vary depending upon location and site, but that's a pretty  
21 reasonable number to go with.

22           We also do five-year permit reviews, where every  
23 five years, every permit in the State of California is  
24 supposed to come forward with a review. I'd like us to  
25 think about the fact that we can get this information

1 through our existing computer system, that we put down  
2 what the permitting capacity is, we deduct what the  
3 tonnages are that go in every month, we make that  
4 equation, and all that we have to find out is what are  
5 they using this cover material for?

6           If they're using dirt, we can figure about 30  
7 percent. If they're using ADC, we get to the heart of the  
8 issue that we just talked about before with tonnages.  
9 We've got that report that comes in to our staff through  
10 the DRS on alternative daily cover.

11           And then the other issue would be do they use  
12 tarps where there is no cover that goes on until they get  
13 to an intermediate stage or, you know, till they get the  
14 lifts built to a certain point where they're going to put  
15 dirt on it for stability and construction.

16           I'd offer that we ought take some time with  
17 staff, especially with the direction of the Chair that  
18 we're going to start committees. Gary didn't sign off  
19 that this could be done. I mean, that he would support  
20 it, but he supported the idea that we ought to look at it,  
21 because he thinks this computer system can do this.

22           And part of what -- I mean, to run another reg  
23 package and say here give us this information, is an easy  
24 way to do it for us. It's not so easy for the operators.  
25 But we've got the information here. And I'd like to be

1 able to take the time to really kind of flesh this idea  
2 out, and see if we can't use our state-of-the-art computer  
3 system to really get this information, because it would be  
4 validated every five years when they do a permit review.

5           And that's one less burden for people to go  
6 through, and it's going to give us a better understanding  
7 of the ADC issues, of the cover issues and of the garbage  
8 issues. And we're going to be pretty close in those  
9 five-year reviews. And if we're not, we're going to have  
10 to figure something else out, but I'd really like us to  
11 think about that as a way to utilize existing tools,  
12 rather than just put another mandate on people to come up  
13 with information that we could probably come up with with  
14 a couple of key strokes.

15           CHAIRPERSON MOULTON-PATTERSON: I really couldn't  
16 agree with you more, and I was going to ask Mr. Leary if  
17 he could look at any possible duplication, any areas where  
18 maybe some of our divisions aren't communicating  
19 information they have, and, you know, come back to us with  
20 that, because I really have heard a lot of complaints that  
21 there is some area that we could grow in in our  
22 organization, first.

23           EXECUTIVE DIRECTOR LEARY: I think it's a matter  
24 of more than a couple of key strokes, but I think Mr.  
25 Jones has identified a possible internal solution that we

1 ought to evaluate. In fact, I've kind of tested the  
2 waters a little bit in-house already, and I think it would  
3 be a good evaluation of our current data management  
4 program.

5           We have disparate information in different  
6 systems. Profiles as Mr. Jones was alluding to, starts to  
7 bring those systems together. Let's see if we can bring  
8 that information together in this arena, landfill  
9 capacity, through the profile system and pull it off, and  
10 then relieve our stakeholders of one more regulatory  
11 obligation to us. I'm game to give it a try if the Board  
12 so directs us.

13           CHAIRPERSON MOULTON-PATTERSON: And then we  
14 would -- I would certainly want to hear from other board  
15 members, but then we can always come back and do  
16 regulations, if we can't.

17           EXECUTIVE DIRECTOR LEARY: If we find out we  
18 can't do it.

19           CHAIRPERSON MOULTON-PATTERSON: Okay. And we  
20 have other board comments, and we have a speaker. But  
21 before we do this, Mr. Jones, do you have any ex partes, I  
22 asked everybody else.

23           BOARD MEMBER JONES: John Cupps and George Larson  
24 on Life -- financial assurances.

25           (Laughter.)

1                   CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

2                   BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

3                   I met with the staff and talked with them about  
4 some of the issues here. As I understood it, one of the  
5 issues was that one of the places where we collect some  
6 information right now is, I believe, it's an annual  
7 financial assurance form that we received from the  
8 operators.

9                   And when staff is sharing that form with me, they  
10 indicated that if they were going to use that information  
11 for capacity related reports, that they may need to make  
12 some modifications on the form to make the instructions  
13 clearer and to assure a more consistent number coming from  
14 the operators.

15                  So if we move down the road of not having  
16 regulations, I think that we should, at the same time,  
17 make it clear that the staff can make some modifications  
18 there for this information that they were collecting to  
19 assure that the right instructions are there, and they're  
20 able to collect the right kind of information.

21                  I also had a suggestion, and that was that, you  
22 know, try this out for a year and have staff come back in  
23 a year, and just let us know, how it's going to give us a  
24 report back and maybe give us a capacity report around  
25 September or October using the existing information and

1 systems, and then come back in about a year and let us  
2 know how it's going, you know, if they're comfortable  
3 continuing with without regulations or if there's any  
4 reason to revisit the issue.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you. I  
6 appreciate that.

7 Mark Aprea.

8 MR. APREA: Madam Chair and Members of the Board,  
9 Mark Aprea, representing Republic Services.

10 I think it is everyone's understanding that this  
11 data, in terms of what the existing disposal capacity is,  
12 is necessary for purposes of the Board for purposes of  
13 planning and being able to respond to any policy questions  
14 regarding disposal.

15 A couple of questions that we have is that given  
16 that this data is being used as a planning tool, why would  
17 it be within the Permitting Section of the Board?  
18 Shouldn't it be more properly managed under DPLA for  
19 purposes of moving forward on an ongoing basis?

20 Certainly, there will have to be cooperation  
21 between the two. But if this is, in fact, a planning  
22 tool, that would, in our view, be a more appropriate  
23 location.

24 We agree that regulations are premature at this  
25 time both from the standpoint that the data is certainly

1 available now, and that by going the regulatory process  
2 that we'd likely incur at least a year long delay before  
3 being able to come up with any of the data, and that  
4 that's really not your end-result.

5           Further more, I think that in terms of the audit  
6 finding regarding this matter, I would remind the Board  
7 that we've submitted comments on that item before and  
8 found that the State Auditor's report was flawed in terms  
9 of their view of the existing disposal capacity. And  
10 certainly to the extent that the Board is in a position of  
11 responding to those that they have this data.

12           Add then finally, we would ask that this Board be  
13 mindful that while there are some who are concerned about  
14 disposal capacity from a permitting standpoint that this  
15 data not be used for that purpose, say, for a statutory  
16 change that would authorize this Board to move forward in  
17 that direction, particularly in light of the new committee  
18 structure.

19           Thank you.

20           CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
21 Aprea. Okay, do you have enough direction from us?

22           Anything else?

23           Did you want to make another comments, Mr. Jones.

24           BOARD MEMBER JONES: Just briefly. Maybe we  
25 could in time determine if one of the committees, whether

1 it's Planning or P&E, sort of help with the formation of  
2 this stuff. I'll make myself available to help. I had  
3 great conversations with Julie on this. There is a way to  
4 do this.

5 And one of the Committees ought to have it to  
6 help make sure that it is going through.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you.

8 Okay.

9 BOARD MEMBER PAPARIAN: Madam Chair, it looks  
10 like you might have other speaker.

11 BOARD MEMBER EATON: That's what we term limits,  
12 constantly a new speaker.

13 CHAIRPERSON MOULTON-PATTERSON: Kelly Smith.

14 MR. SMITH: Thanks. I'm here speaking for  
15 Coalition for Alternatives to Keifer Landfill and the  
16 North Valley Coalition. Both those groups were very  
17 supportive of the recommendations in the State Auditor's  
18 report.

19 I guess we would lament today, more than a year  
20 later, that none of those recommendations have actually  
21 been acted upon by this Board. Yet today here you have a  
22 chance to actually implement something in response to  
23 those recommendations, something that would seem so  
24 obvious in terms of the role that you have that is  
25 providing accurate information on disposal.



1           And I'm somewhat concerned that I sense a  
2   tentativeness, more of a back-burner approach to it,  
3   another year, then we'll see how things go. Maybe then  
4   we'll ask them to give us some actual data.

5           Your staff has indicated that they can do it now.  
6   There's a crying need for that information. If nothing  
7   else, look at the agenda item you had just before this one  
8   where you can't figure out what ADC's role is in disposal  
9   and how it's fitting into you're disposal reporting  
10  system.

11           The other needs of other beneficial uses and how  
12  those are being reported. These things you should know.  
13  I really want to disagree with the previous speaker's  
14  recommendation that this be used as a planning or policy  
15  tool.

16           It's clear that the amount that goes into  
17  landfills is critical to your job in regulating landfills.  
18  It's also critical in such things as the reporting to the  
19  Board of Equalization. And if the numbers don't add up,  
20  you should know and Board of Equalization should know and  
21  they should know right away.

22           And if the Board of Equalization isn't getting  
23  accurate figures and you aren't able to provide them soon,  
24  that's a problem.

25           Another use obviously is very clearly the

1 reporting of diversion from disposal that these figures  
2 would be able to present. These are central to your role  
3 here. And at least this should be provided to the public.

4           The purpose here shouldn't be to make it easier  
5 for stakeholders, that is landfill operators, to go about  
6 disposing waste in landfills. It should be to provide  
7 this information to the public that bears the brunt of  
8 that garbage going into the landfill.

9           With that said, there's a few other sort of  
10 recommendations. I don't want to micromanage what staff  
11 would have to do to fulfill this job, but I would second  
12 some of the issues that they raised as far as the actual  
13 compaction rates at landfills, that's very wise obviously,  
14 rather than a uniform statewide 1,200 pounds per yard.  
15 The compaction rates vary quite a bit.

16           The same with the daily cover and what's being  
17 used. That information in itself, bearing in mind, again,  
18 what you were just talking about, could be invaluable for  
19 real figures. I mean, what are we scared of finding out  
20 here.

21           You know, how much isn't being paid to the Board  
22 of Equalization, for example? Is that why we're not  
23 finding this out? You should act today to implement  
24 regulations, if necessary, to get this information. And  
25 you should start right away with putting that information

1 in a form that can be accessible by the public on the web  
2 site, easily identified.

3 The methodology, while it will be very helpful to  
4 have a board certified methodology as it were, it is not  
5 that -- it's not that critical. That methodology may be  
6 criticized and people will take pot shots from both sides.

7 But I would also pose, back to the policy and  
8 planning aspect of this, that's an important service  
9 rather than leaving it to both sides of disposal capacity,  
10 both of the sides that are concerned about it, to resort  
11 to Chicken Little allegations what it suits their  
12 purposes.

13 This is a very objective role that's central to  
14 the Board. And so I'd ask you to adopt staff's  
15 recommendation one and get under way with it immediately.

16 CHAIRPERSON MOULTON-PATTERSON: Thank you, for  
17 your input, Mr. Smith.

18 Special Waste, number 16.

19 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:  
20 Good afternoon Chair and members, Martha Gildart with the  
21 Special Waste Division. Item 16 through 21 deals with the  
22 Board's waste tire program.

23 Items 16 and 17 are recommendations for grant  
24 awards for the current fiscal year 2001/2002, while items  
25 18 and 19 are seeking approval for grant criteria and

1 their evaluation processes for next fiscal year 2002/2003.

2 I wanted to emphasize the differences in the  
3 fiscals year just so can you keep them in mind as the  
4 presentations are made.

5 Items 20 and 21 are seeking approval for a scope  
6 of work and a contractor for a consumer education effort  
7 with funding that comes from both fiscal years. We have  
8 representatives of the recommended contractor present  
9 today and given the lateness of the hour, we request the  
10 Chair's permission to start our presentation with Item 20.

11 CHAIRPERSON MOULTON-PATTERSON: That's fine.

12 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:  
13 In that case then, consideration of approval of scope of  
14 work for the Consumer Education Tire Survey brochure and  
15 public serve announcements contract will be made by  
16 Christina Pennington of the Waste Tire Diversion Section.  
17 And I would like to note that this is her first  
18 presentation to the Board.

19 MS. PENNINGTON: Madam Chair and Members of the  
20 Board, my name is Christina Pennington. I work, again, in  
21 the special waste division Agenda item 20 proposes that  
22 the California Integrated Waste Management Board approved  
23 the scope of work for the consumer Education tire survey  
24 brochure public serve announcements contract.

25 Add its March 2001 meeting the Board approved the

1 five-year plan for the Waste Tire Management Program.  
2 This scope of work for the Consumer Education Tire Survey  
3 brochure and public service announcements contract is  
4 taken from the five contract.

5           The five year defines plan defines both the  
6 dollar amount to be pent as well as a timeframe for each  
7 aspect of this contract. Two hundred fifty thousand  
8 dollars has been allocated for an initial baseline survey  
9 an tire brochures. The tire brochures and the survey the  
10 monies for that is to be encumbered in fiscal year  
11 2001/200. And \$350,000 has been allocated to script and  
12 record public service announcements be encumbered in  
13 fiscal years 2002/200.

14           Two additional follow-up surveys will be  
15 conducted in fiscal years 2003/2004 and 2005/2006  
16 according to the five-year plan. However, they will not  
17 be included in this scope of work, because as mandated by  
18 the Legislature, the five-year plan is to be reviewed and  
19 revised every two years.

20           The purpose of this scope of work is to establish  
21 guidelines by which the contractor shall, one, complete an  
22 initial base line survey through a random sampling of  
23 California vehicle owners on proper tire maintenance and  
24 disposal practices, consumer tire purchasing habits and  
25 consumer knowledge or lack there of regarding tire

1 purchasing and availability of products produced using  
2 California waste tires; and, two, to design and produce  
3 brochures and public service announcements based on the  
4 analysis from the initial baseline survey that will  
5 increase the public's awareness of tire maintenance,  
6 disposals, purchasing habits and tire recycled product  
7 information.

8           As outlined in the five-year plan and as briefly  
9 stated above, there are three main subsections within this  
10 contracted.

11           The first one an initial baseline consumer  
12 education survey, two, the design and production of  
13 consumer education brochures, and, three, the scripting  
14 and/or recording of consumer education public service  
15 announcements.

16           Also, provided in the scope of work and to be  
17 carried out by the contractor are, A, a written report of  
18 requirements to be carried at a minimum after each task,  
19 and to be given to CIWMB contract manager. B, two  
20 presentations to the Board at appointed times during the  
21 board meetings. The first one is to be conducted after  
22 the completion and analysis of the tire survey, and the  
23 second to be conducted at the conclusion of the contract.

24           And, C, presentations to be conducted during tire  
25 conferences the specific conferences and dates are to be

1 determined at a latter date by the CIWMB contract manager.

2           Staff recommends that the Board approve Option 1,  
3 approval of the scope of work for the consumer education  
4 tire survey brochure and public service announcements  
5 contracted, and adopt Resolution 2002-53.

6           BOARD MEMBER EATON: I have a question.

7           CHAIRPERSON MOULTON-PATTERSON: Mr. Eaton.

8           BOARD MEMBER EATON: I have a comment. I'd just  
9 like to kind of know from a general philosophical kind of  
10 viewpoint, why would we be doing a brochure on tire  
11 maintenance, and I didn't see the other words that were  
12 here, new tire purchases and tire care awareness. I know  
13 the importance of it. But if you've ever bought tires or  
14 if you've ever purchased a new car, which is now covered  
15 by the tire bill, all of those are already included and  
16 distributed.

17           So how would we improve upon the distribution and  
18 why would our brochure be better? And I raise this not  
19 because I disagree, but wouldn't the money be better spent  
20 in putting it in a media campaign that's a little more  
21 along our mission statement, which I see the other 350,000  
22 is public service announcements, but if we do have an  
23 amnesty day or if we do have a way to educate the public  
24 maybe not on tire performance, but in some other kinds of  
25 campaigns through the media, would that not be a better

1 way than trying to outdo what's already been done through  
2 any of the tire manufacturers, which are required under  
3 the law?

4 And how would this contractor be able to outdo  
5 Good Year, how would they be able to outdo Michelin? What  
6 would we be able to do to get this into the hands of the  
7 public better, and that's all I'm really saying.

8 I mean I agree, we shouldn't pay a contractor for  
9 that, but some of the other stuff -- but that one part  
10 that quarter million dollars, when I look at some of the  
11 stuff that the Department of Conservation has to do for  
12 \$57 million, and then we have to do it?

13 I mean, we could be doing some other things about  
14 trailing it for amnesty day for instance. There are  
15 Amnesty days down in San Benito County or in Riverside  
16 county. Can you do public service announcements that  
17 would get people to say here's where you dispose of your  
18 tires or here's what uses can be done.

19 I mean the core question is not why tire care  
20 performance, is why do think we should out do this and is  
21 that a wise expenditure of money as it relates to money  
22 we're getting from tire funds, which is really to try and  
23 get reuse, reduce and recycle?

24 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:  
25 Part of our intent in developing these brochures is to



1 help with the reduction and generation of waste tires.  
2 Yes, there have been many brochures developed both by the  
3 tire industry and through or grant program amnesty day,  
4 and our grant public education is a large component.

5 Those brochures are often very specific as to a  
6 product, promoting a product or a particular industry's  
7 line or a particular amnesty day and location.

8 Our plan was to have something that was little  
9 more generically developed that could be distributed  
10 statewide. If the Board concurs that the money needs to  
11 be distributed in a slightly different fashion to these  
12 tasks, we could certainly do that, but our concept was to  
13 try to address waste reduction need in a generic manner  
14 that would be appropriate for State distribution  
15 statewide.

16 CHAIRPERSON MOULTON-PATTERSON: So it wasn't  
17 specifically on maintenance?

18 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:  
19 No, it would be. The intent was if you go in and buy a  
20 Michelin tire, and they provide you a brochure, there's  
21 going to be information about the different makes and  
22 models of Michelin tires. Rather than make any such  
23 reference to specific tire models, we would be doing a  
24 more generic brochure that would describe proper  
25 maintenance, inflation, rotation how to check for tread

1 depth, how get to the most mileage out of those tires so  
2 that you get as much usage and therefore don't have to  
3 praise them as quickly.

4           If the concern is that that's seems to be too  
5 much money, then we could certainly readdress the scope of  
6 that task.

7           BOARD MEMBER EATON: Every products liability  
8 law, that's in all 50 states, and even the most recent  
9 indents involving the Firestone tires, each and every one  
10 of those brochures dealt with rotation, they dealt with  
11 proper inflation, all of those things, the very thing we  
12 would be duplicating.

13           I'm not saying that they can't be incorporated  
14 into something we do, but let us use the emphasis on  
15 something that's going to get the message out about that  
16 one this is a particular problem, and that what you should  
17 try and do is the following X, Y, and Z through a nice  
18 media campaign.

19           But brochures, I mean, you know in a statewide  
20 survey like \$40,000, \$45,000 I guess now. I assume that's  
21 what's you're going to do, you're going to do a sample of  
22 about \$1,000 individuals and make it any sort of, you  
23 know, sample proof testing.

24           It's really that. I mean, I understand where  
25 you're going. And I think what we're trying to get to the

1 same point. The question is, is this is a lot of money  
2 and you've got other -- if you go through the workplan,  
3 this is just the first phase, because you're going to be  
4 doing additional brochures as well. And we'd just be  
5 reproducing the same as what's already been produced  
6 before. And I think we can do better. I know we can do  
7 better. I know you can do better.

8           And I know that we have the creative minds to be  
9 able to do better. And I don't see any creativity here in  
10 terms of how we solve some of the problems we have with  
11 tires and, yes, proper inflation will reduce them, but how  
12 do we dispose of them, how do we get to reuse them, how do  
13 we reduce it.

14           What products should you buy that will help us  
15 with the problem? I mean, that's really the core, and I  
16 think we can get there. I don't see this workplan getting  
17 us there. I think it's, you know, it's a feel good kind  
18 of thing. And that's good, but it's already been done and  
19 it's been done several times before.

20           MS. BROWN: There are, as mentioned briefly, four  
21 main aspects of the contract. One, obviously the survey,  
22 to determine what areas the public most needs to know  
23 about. The four areas of the brochure and the public  
24 service announcements will cover are not only tire  
25 maintenance and disposal issues, but also what products

1 out there are made from recycled waste tires, so that  
2 consumers can try to purchase those as well as to give  
3 them some knowledge as to which tires are better to  
4 purchase, which ones will last longer so they don't go  
5 into the waste stream, which ones are more economical for  
6 them as well.

7 BOARD MEMBER PAPARIAN: Madam Chair.

8 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian?

9 BOARD MEMBER PAPARIAN: I want to say I think Mr.  
10 Eaton brings up some good points, we ought to spend our  
11 money wisely out of the tire plan, but this is, I think,  
12 an important aspect of what we do.

13 If you add up the money in the five-year tire  
14 plan, I don't have the figures off the top of my head, but  
15 if you look at our mandate of source reduction, recycling,  
16 reuse, and safe disposal, most of the money in the tire  
17 plan is lower down on that hierarchy. There isn't much  
18 money in the source reduction end of things.

19 This contracting, in fact, is one of the source  
20 reduction aspects of tires. It's reducing the number of  
21 waste tires that are produced. If tires are used  
22 properly, if longer lived tires are on the road, we have  
23 less tires reaching the waste stream.

24 When I spoke with representatives of the tire  
25 industry last month, I was not so surprised to find out

1 that people, in fact, are not maintaining their tires very  
2 well. And that there is a pretty dramatic decrease in the  
3 lifespan of tires for tires that are not properly inflated  
4 and properly maintained.

5           So if there are additional ways we can try to  
6 reach the public to provide public education, to encourage  
7 people to buy longer lived tires and get more life out of  
8 their existing tires, it could have a pretty significant  
9 impact on the overall goals of reducing the number of  
10 waste tires that are out there.

11           So, as I said, I think Mr. Eaton has made some  
12 good points. And I think as we develop future plans, we  
13 ought to, you know, incorporate some of those, but, you  
14 know, this contract is what we have before us and I'd like  
15 to go with this.

16           BOARD MEMBER EATON: Well, that's what we have  
17 before us, that doesn't mean we can't change it. And  
18 that's what the debate is about right now, not to be put  
19 off into the future.

20           I mean, just sitting here I can think of saving a  
21 life and save one other. And if you had a good media  
22 campaign either through radio spots and/or television, you  
23 would get to a much greater universe. And what you would  
24 do by saying save a life, would be you would then inform  
25 the public through electronic media of saving the life of

1 the tire and saving your own life, because both are tied  
2 automatically to the inflation.

3 But distributing a brochure which is already  
4 being distributed in a way which is already, if you just  
5 even follow the news accounts, the core question is does  
6 the consumer read this material?

7 And all my question was, is what are we going to  
8 do with your brochure that can outdo this multi-million  
9 dollar corporations that market this stuff in a better way  
10 than we do. And I'm just looking for a way to be able to  
11 take this contract and getting some bang out of it and  
12 getting some good PR.

13 And I don't disagree that the general mission is  
14 here in terms of the reduction. But let's get it out  
15 there, get it out where the people are going to hear it  
16 and see it. They're not going to see it in their glove  
17 compartment. They're not going to go to the grocery  
18 stores.

19 I mean, maybe if we put it in the Department, I  
20 guess, Driver's Ed would be a good thing. But I'm trying  
21 to get something that can get us visibility here, Mike,  
22 and I think that's the point. And because the contract is  
23 before us, so what. Let's do better. Let's do better  
24 than the Department of Conservation.

25 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

1               BOARD MEMBER JONES: I do like this debate.

2 We're never going to get to Item 24, and mostly because of  
3 me, but I think Mr. Eaton is right.

4               And, Mr. Paparian, you just said something that I  
5 think we could look at. And he's asking to us expand this  
6 thing a little bit. Quite honestly, I didn't pay a whole  
7 lot of attention to this issue. Mr. Paparian says that  
8 the tire industry says that tires aren't lasting as long.  
9 Why aren't they lasting as long? Because gas stations now  
10 sell food instead of service, right?

11              People go in and they pump their own gas. They  
12 get it filled up, and that's an achievement in and of  
13 itself, and then they leave. There's nobody there that  
14 ever bends down and checks the air of a tire. There's  
15 value in looking at this, and saying what are the things  
16 that are making people less aware of their tires that can  
17 be done in PSA's, TV, radio that could have a bigger  
18 impact than a brochure.

19              And I know at the briefing I said, why don't we  
20 hook up with the tire dealers who wanted to hook up with  
21 us anyway on a brochure. And there's some rule that says  
22 you probably can't, but I've got faith that you guys will  
23 figure that out.

24              But maybe we need to augment this and get  
25 creative about the idea that people -- I mean, we've

1 changed the way we drive our cars. And if you've got a  
2 tire that is fully inflated, you're getting better gas  
3 mileage. We never talk about that.

4           If you've got tires that are properly inflated,  
5 not only are they safer, but they get better gas mileage.  
6 So there is some real opportunities here to do some  
7 education through radio spots and TV spots that could help  
8 the citizens of California understand things that they  
9 hadn't ever seen before or don't even understand why  
10 they've got to pay a quarter to get air at a gas station.

11           And then maybe we follow that up with actually  
12 giving away tire gauges. I mean, this is a pretty good  
13 challenge That Mr. Eaton has just come out with that we  
14 could make this a huge campaign with the very things that  
15 debate has brought out.

16           I mean, you've hit on some good issues. Let's  
17 tell the public what the issues are and the way to  
18 actually solve it and make their lives a little better,  
19 better gas mileage, tires that last longer. And maybe we  
20 follow it up with giving away tire gauges to everybody.  
21 There's only 34 million.

22           SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:  
23 There are various kinds of literature and posters and  
24 information at gas stations are -- part of this proposal  
25 includes a survey of consumers to find out what do they



1 know, what do they not know, and how best to fill that  
2 gap.

3           Maybe we need to focus a little bit more on the  
4 how rather than the what. And with a minor amendment to  
5 the scope, find out what is the most effective means of  
6 communication, would it be brochures, posters, PSA's,  
7 videos what have you? Is that sort the feeling the Board  
8 has?

9           CHAIRPERSON MOULTON-PATTERSON: I was just going  
10 to say, I was laughing and here I'm going to make a fool  
11 out of myself, again, like I did at the budget  
12 subcommittee. But, you know, about not filling my gas  
13 tank, well, I would not be reading the brochure in my  
14 glove compartment either. And I do agree that we have to  
15 get the attention.

16           If it were me, I mean, I wouldn't probably read  
17 the brochure. And no offense, I think you guys have done  
18 a fantastic job on this.

19           BOARD MEMBER EATON: On the advise of counsel I  
20 wouldn't make that admission.

21           (Laughter.)

22           CHAIRPERSON MOULTON-PATTERSON: So it's not a  
23 criticism. I'm just trying to be honest. But if I saw  
24 something, save a life, I'd think of my grand kids, and I  
25 would make that connection. And so I think there's some

1 real points well taken. I mean, you know, I know some of  
2 you guys probably read all of these. You kick your tires  
3 and all of that, but there's a lot of people who don't.

4 (Laughter.)

5 BOARD MEMBER EATON: And we watch the Man Show.

6 (Laughter.)

7 BOARD MEMBER PAPARIAN: I'm not going to discuss  
8 my relationship with my tires.

9 (Laughter.)

10 BOARD MEMBER PAPARIAN: You know, I think  
11 ultimately, you know, I believe the way we're going to  
12 have a big impact on this issue is not through paid media,  
13 but through free media opportunities. I don't think we'll  
14 ever have the budget to have paid adds that really reach a  
15 significant number of Californians on this issue.

16 But I think some of the material that's developed  
17 here will help with a free media campaign so that -- Frank  
18 is going to hate me when I say this, but so that when we  
19 go out to, you know, radio stations and newspaper  
20 reporters and automotive editors and others, and try to  
21 make this a big issue and an issue that gets out there on  
22 radio, on TV and in the newspapers and news stories, that  
23 it has an impact.

24 I mean I think the brochure -- we're dwelling on  
25 the brochure, but there's more to this contract than just

1 the brochure.

2 BOARD MEMBER EATON: Correct, but the brochure is  
3 worth --

4 CHAIRPERSON MOULTON-PATTERSON: \$250,000.

5 BOARD MEMBER EATON: -- \$250,000.

6 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:  
7 That includes the survey.

8 BOARD MEMBER EATON: Right, and I understand the  
9 survey, but you already, you know, what you've got to do  
10 in the brochure. I mean, I don't have a problem with the  
11 survey. I mean, if it makes people feel good about having  
12 reconfirmation, that's fine, or if there's a better way to  
13 do it. But is it a qualitative survey or a quantitative  
14 survey? Is it going to be a poll or is there going to be  
15 focus groups?

16 MS. PENNINGTON: It's actually going to be a  
17 telephone survey a random sample of a vehicle owners via  
18 telephone survey.

19 BOARD MEMBER EATON: Okay. So it's going to be a  
20 quantitative versus a qualitative, for basically people to  
21 look at. Whereas in a focus group, if you look at a  
22 brochure or if you look at a picture or if you look at  
23 something else, you get some immediate feedback. And I'm  
24 not trying to debate here. I just think it's a lot of  
25 money to spend and you don't get much bang for your buck.

1                   And I think there's a better way -- I'm not  
2 saying we don't do something like this. I'm just saying  
3 what is the best way to do it, what is the best  
4 combination of ways in which to be able to do it?

5                   You know, I think, you know, to have to defend  
6 the fact that, you know, the workplan where you just  
7 continue to produce brochures doesn't get to what we want  
8 to do.

9                   And all I'm trying to do is live up to the  
10 potential that we have. And I think that this plan falls  
11 short of living up to that potential that we have, because  
12 we've got a constant source of money. It's not the only  
13 thing. I'm not saying eliminate the brochure, but I'm  
14 saying what other things are there in there that we can  
15 do.

16                  MS. PENNINGTON: Maybe to give you kind of a  
17 broader idea of what we envisioned, the survey isn't only  
18 there to give us information for the brochure, but for the  
19 public service announcements campaign that we intend to  
20 wage as well.

21                  We envision doing radio spots and TV spots in  
22 multi-lingual and different languages. And I think with  
23 the brochure, rather than simply being something we hand  
24 out at the dealership, we had a few different creative  
25 thoughts in mind, maybe having it at the DMV when people

1 are actually standing in line, board, wanting something to  
2 read, maybe having videos for them to watch while they're  
3 waiting at some of these dealerships and things that kind  
4 of would catch their eye maybe a little bit more than just  
5 the brochures.

6               It was three-fold. It was the survey, the  
7 brochures, but then also \$350,000 to be spent on public  
8 surveys announcements, on a media campaign as well.

9               SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:  
10 If the Board has specific direction on how to shift some  
11 of the funding on these tasks, I mean, we're certainly  
12 open to those suggestions.

13              CHAIRPERSON MOULTON-PATTERSON: I have a question  
14 was Cal State Chico going to work with up on the PSA's  
15 also?

16              SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:  
17 Yes.

18              CHAIRPERSON MOULTON-PATTERSON: I mean, well we  
19 certainly don't have consensus, but if somebody would like  
20 to come up with an idea, then we can talk about it, maybe  
21 we could put more money into the PSAs. And then whether  
22 we go and try to find free spots or, you know, pay some of  
23 them, I mean, I think maybe the money would be a lot  
24 better spent. That's just my opinion.

25              Mr. Eaton.

1               BOARD MEMBER EATON: Well, I think there's a  
2 couple of things that can be done in terms of coming back  
3 with some of the tasks, is that to look at it not so much  
4 from just one year, but to look at what is it that you  
5 want to do. And you've done some of that already with the  
6 brochure, because you talked about, in here, that you'll  
7 be coming back in the future fiscal year's funding for  
8 future projects not covered in this are \$150,000 for a  
9 survey or additional brochures so now, we're going to do  
10 another survey in year 2003, because this one somehow is  
11 not going to work.

12              And then in 2003/2004 another \$30,000 for a  
13 survey. So now we spent \$180,000 in addition to whatever  
14 we're going to spend now on brochures and surveys in the  
15 subsequent fiscal years.

16              And all I'm trying to say is let's think about  
17 what is it that we want to do for the next 18 months in  
18 effort. A combination of brochures, paid media, free  
19 media strategy, and put that together and put it into our  
20 tasks.

21              Now, if we have to go out and hire a contractor  
22 to do that, that would be acceptable to me, but that's not  
23 a \$200,000 or \$300,000 expenditure of money. That's  
24 rather, you know -- I don't know, I don't even know what  
25 amount of money to have someone come back and do that.

1 Maybe Frank or someone in the media can do that.

2           Then we've got some sense of what it is that you  
3 want to do. Let's say for instance you want to focus, Mr.  
4 Paparian, on source reduction, then that's sort of what we  
5 ought to take. Come up with a strategy, a media strategy,  
6 that would include print material, electronic material as  
7 well as a free media strategy that can help us do source  
8 reduction as it relates to tires.

9           That's what this project ought to be. And then  
10 we see if we have enough money to put it together, and I  
11 think we will. I mean, we're already, you know, counting  
12 up the nickels and dimes already. That's what I'm kind of  
13 getting at, instead of this sort of just, you know, come  
14 out with a workplan and we're just kind a of churning  
15 things.

16           I think we can do better. And that's what I'm  
17 looking at. Let's just see what it would cost to go out  
18 and have someone develop a strategy for us, because  
19 obviously we're not all that proficient. And, quite  
20 frankly, it may be a better contract to let and then let  
21 our staff go and do what they do best and that's really  
22 maintaining some of the other tire programs which is the  
23 real nitty-gritty work that goes out there.

24           SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:  
25 On page 20-4 of your item, which is page two of the

1 Attachment 1, there's a list A, B, C and D, which were the  
2 major tasks to be performed by the contractor.

3           Would you be interested in having, like, Task A,  
4 which is completing the initial baseline survey, expanded  
5 a larger audience, you know, a larger portion of the  
6 funding, and then rather than come back, B, with the  
7 direction that they actually design and produce brochures,  
8 we can have them present to the Board recommendations on  
9 what the split should be between printed media and spoken  
10 electronic media. Would that service the interests of the  
11 Board?

12           BOARD MEMBER EATON: The baseline survey comes  
13 after you've developed a basic, you know, way or that may  
14 be part of the overall strategy. You don't do a survey  
15 first and then follow through. You've got to get some  
16 idea, some questions, some basis for doing the baseline  
17 survey. And what are the four or five main components we,  
18 as a Board, want to do. And I ask you what are the four  
19 or five things you would put in a baseline?

20           SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:  
21 To find out from the public what they do know or do not  
22 know about maintenance of the tire; what forms of  
23 communication would reach them, whether printed or  
24 electronic; and what sort of follow-up might help, both of  
25 local governments who deal with this problem or even with



1 gas stations, you know, is there a way to work with the  
2 gas stations. I could see a series of projects that come  
3 from the results of such a survey.

4 We dont' know sufficiently why people aren't  
5 already doing what is in their best interests to do,  
6 maintain their tires.

7 BOARD MEMBER EATON: And see, I look at it and  
8 maybe we just differ, you know. We see the same thing.  
9 We just see it from a different pointed of view, as the  
10 song says, but the whole idea here is I think there are  
11 people who know how to communicate and now what the  
12 effective way to carry a message is. They don't need to  
13 have a survey to do that.

14 What they need to know is what kinds of material  
15 you want to put in there and what would be the most  
16 effective message, and so they developed messages before  
17 they go out with a survey, and they test those messages  
18 and they test those surveys, just like they test a theme.

19 You know, Pepsi is for the old generation. They  
20 test that. Well, you know, that's probably not really  
21 good, you know, because Britney Spears is, you know --  
22 like with the hip, you know, generation and whatever.

23 And they try these things out. So you have to  
24 have a basis by which to be table to do these things. And  
25 rather than just going out and saying contract to go do a

1 survey, you know, it's just -- I think it's just a waste  
2 of our dollars and it subjects us to vulnerabilities.

3 First off, the motor car deals are not going to  
4 put -- if anything, they're going to hand out brochures  
5 telling us go tell the State, they're charging at three or  
6 four bucks a tire here to do it, because they're already  
7 trying, you know, to not have to pay it.

8 I just think we need to just try and get the  
9 media department together and hire some real professional  
10 consultants who may recommend a baseline survey. And  
11 that's fine, but it's going to be a survey that's going to  
12 communicate what it is we're trying to do and how we need  
13 to try and do that, and where we need to do it at? And in  
14 and what communities and income.

15 We are already know that in the lower income  
16 communities and the nonenglish speaking communities they  
17 already reuse and reduce and recycle better than everyone  
18 else, because economically they can't afford new tires.

19 I mean, we all know the basics, so would the  
20 survey go in there and ask them about tire inflation?

21 I mean, they're worried about dollars and cents.  
22 And so I've probably gone on far too much. And I know, I  
23 just think that, you know, with this, you guys can vote it  
24 out, if you like.

25 I think it needs a lot more work. I think we

1 need to come back and have a grander scale, given the fact  
2 that we have a lot of money coming through our doors in  
3 the next couple of years.

4 CHAIRPERSON MOULTON-PATTERSON: Okay, thank you.

5 BOARD MEMBER MEDINA: Madam Chair, I think my  
6 board members have all made some very good points here.

7 And I'm agreement that this item is not ready to  
8 go forward with today. It needs more work and then we  
9 come back to it.

10 CHAIRPERSON MOULTON-PATTERSON: Okay, when do you  
11 think you could come back with hit?

12 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:  
13 Well, I think for staff's education, it would be helpful  
14 to have input from board member offices more directly than  
15 we've had in the past.

16 What we've put toward is our best understanding  
17 of how to approach the problem. If there is something  
18 that's missing and that we need, then I would like some  
19 more specific guidance. So perhaps some of the staff, the  
20 Board staff, Board Office's staff could work with us?

21 CHAIRPERSON MOULTON-PATTERSON: Of course. And  
22 we appreciate all your efforts. And this, you know,  
23 certainly might be the way we go it, but I think with the  
24 Board staff members working with you, working with PIO,  
25 and maybe we can get a little further on it. But I think,

1 at this point, it's in the best interests of all of us to  
2 go ahead and continue it.

3 BOARD MEMBER PAPARIAN: Well --

4 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

5 BOARD MEMBER PAPARIAN: I mean the one thing I  
6 think the staff is an awkward position here, because they  
7 think that they responded in this item to the request of  
8 the Board. It was in the five-year plan. It came up  
9 first in the Committee meeting we had on the five-year  
10 plan. Mr. Jones, Mr. Eaton and myself are on that  
11 committee.

12 Then it went into the plan. The plan was debated  
13 several times at the Board it was in there at those times,  
14 and with a description of a project somewhat like this.  
15 So I think if we're going to send it out and then bring it  
16 back, we're going to need to work very closely with the  
17 staff to let them know what we really want, because I  
18 think, from their perspective, they did a good job of  
19 responding to what the Board requested of them through the  
20 five-year plan.

21 CHAIRPERSON MOULTON-PATTERSON: I agree.

22 BOARD MEMBER JONES: Madam Chair.

23 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

24 BOARD MEMBER JONES: Can I ask a question of the  
25 representative from Chico State, please.

1                   MR. FLETCHER: Yes, sir. I'm Jim Fletcher,  
2 director of the Survey Research Center from Chico State.  
3 I just -- I don't have a conflict here, my son is a senior  
4 at Chico State, but he's not in your division.

5                   Based on some of the comments that were made by  
6 the members, there seems to be a lot of emphasis on the  
7 brochure. Clearly, I guess, part of the question would be  
8 has there been an interaction between you and our staff on  
9 developing this scope of work or are you responding to  
10 this scope of work?

11                  MR. FLETCHER: I think that we're simply  
12 responding to it. I think that the points that Mr. Eaton  
13 made were good points. The process that we envisioned on  
14 the survey is that we would not initially go out and do a  
15 survey. The process that we go through, and we've done  
16 this with the Public Utility Commission last April. We've  
17 done it with CalTrans on drive satisfaction survey.

18                  First and foremost to do a literature review and  
19 see what has been down out there in terms of where people  
20 get information, how they get information, the relative  
21 credibility of that information and then making decisions  
22 about things like tire maintenance or waste disposal.

23                  The second step in the process then would be to  
24 conduct focus groups of different ethnic groups, different  
25 multi-lingual groups to find out what they know about tire

1 maintenance. Are they reading the brochures and  
2 information that the dealers are providing them, how are  
3 they responding to it, what kinds of challenges are they  
4 running into in terms of maintaining their tires.

5           And then after we've gone through that process  
6 and done reporting on that, then we're ready to identify  
7 clear topics that need to be asked in the surveys, so that  
8 we get meaningful information, including what would be the  
9 best ways to communicate this information back to these  
10 groups. And it may be that some groups you communicate  
11 with one or two different approaches, a different group  
12 might require a very different approach.

13           You might have a brochure, a brochure might not  
14 work. You may have PSAs that are strategically placed.  
15 You may have information that's given out at tire dealers.

16           But that would be the approach that we would  
17 follow to try to make sure that we've identified all the  
18 issues among the different groups that we know what  
19 relevant questions to ask in the survey. Otherwise, if  
20 you design a survey without that background information,  
21 without the literature review and without the focus  
22 groups, you can be asking questions that may or may not be  
23 relevant to the topic.

24           BOARD MEMBER JONES: So part of the results of  
25 that initial work would actually be the recommendation

1 that could come forward to this Board as to where to  
2 really focus our resources, and in the vehicles that we  
3 could use to get to those people?

4 MR. FLETCHER: That's correct. To segment the  
5 California drivers and to say that in order to reach,  
6 let's say, Spanish speaking households or Spanish speaking  
7 drivers, these might be the best media outlets to do that,  
8 the most cost effective, because if you shotgun it, if you  
9 put PSAs up and they're not paying attention to PSAs or  
10 the PSAs don't necessarily have credibility with them,  
11 you're wasting your money.

12 So what you want to do is identify as part of the  
13 survey, identify the most cost effective outlets that  
14 going to have the credibility, that are going to be placed  
15 at times or at locations where they're going to get the  
16 information and they're going to use that information in  
17 their decision making.

18 CHAIRPERSON MOULTON-PATTERSON: Okay.

19 BOARD MEMBER JONES: I've got two more, and then  
20 I'll you sit down.

21 If as you're developing this stuff, is there  
22 working groups with our staff here? I mean, there was  
23 some interesting issues that came up from the dais that  
24 everybody was kind of dealing with on the fly. They're  
25 going to help formulate the type -- that kind of back and

1 forth would help formulate questions and direction more so  
2 than vehicles of how we get that information out.

3 MR. FLETCHER: Absolutely. The process that  
4 we've always followed is when we do a literature review,  
5 we could come back and go over that with staff and say  
6 these are the issues that have come out in the literature,  
7 are you aware of other issues in your work with this issue  
8 that perhaps were not uncovered as topics in this  
9 literature review?

10 Once we got a set of topics together, we have a  
11 focus group expert, Dr. Ruth Guzley who's been doing focus  
12 groups for 27 years, would actually put together a set of  
13 questions and probing questions that would be used in  
14 focus groups. We would go back and review those with  
15 staff and discuss those. And once staff was comfortable  
16 with those, then we would go out and recruit people to  
17 participate in the focus groups.

18 And the way we do focus groups, is we do random  
19 digit dialing recruitment, so that we get a truly  
20 representative cross section of people from whatever  
21 groups that we're targeting.

22 Let's say we want to have, as we did with the  
23 PUC, we had Mandarin focus groups, we had Spanish focus  
24 groups, and English focus groups. We did random digit  
25 dialing to make sure that we got a cross section of people



1 from each of those language groups to participate in the  
2 focus groups.

3           From that, we come back, we content analyze all  
4 of the information that's gathered in the focus groups.  
5 That then is summarized and then we come up with a list of  
6 topics that need to be included in the survey. We draft  
7 the survey. We work closely with staff in going over  
8 those questions.

9           Once staff says those are a go, we do a pretest  
10 on a small sample of each language group that we would be  
11 surveying to make sure that the questions are clear, that  
12 they're ordered properly, that people don't seem to have a  
13 problem with them and then once we make whatever changes  
14 are necessary and staff's signs off on the changes, then  
15 we're ready to go into actual data collection.

16           So it's a fairly involved process, but you end up  
17 getting a meaningful product. You find out what the  
18 relevant topics. You find out how people respond to it  
19 and where they get information and the relative  
20 credibility of the information, so then when you go out on  
21 a media campaign, whatever media you choose, is most  
22 likely going to be effective in change people's behavior.

23           CHAIRPERSON MOULTON-PATTERSON: Thank you.

24           Senator Roberti.

25           BOARD MEMBER ROBERTI: Madam Chair, I think

1 probably it is our obligation to sort of inform staff as  
2 to where our minds are otherwise we'll leave them sort of  
3 lurking trying to figure out what's on our mind.

4           Actually, I came here this afternoon fully  
5 prepared to vote for this. I certainly will defer to my  
6 colleagues who've made good suggestions. And maybe we  
7 could use a little bit more work for more specificity. So  
8 I for one might be looking for more specificity, somewhat  
9 along the lines of what the representative from Chico  
10 State has been speaking, so we have a clearer idea of what  
11 we are voting for.

12           But I don't think we do know from off the top of  
13 our heads how to approach this problem. Despite my basic  
14 legalitarian instincts, I think the biggest problem we  
15 have here is with do-it-yourselfers, who accumulate tires  
16 just as they accumulate used oil, and don't dispose of it  
17 properly or don't use the commodity properly, simply  
18 because we are lacking education.

19           We have to start somewhere, and I think this  
20 Board has to start somewhere. So PSAs and a brochure  
21 strike me as the right way to go. But certainly if my  
22 colleagues feel more comfortable and justifiably so, with  
23 more specificity, I hope we come back sooner rather than  
24 later with a more specific plan as to just what will be in  
25 the focus groups, who will we be talking to, what groups

1 we're going to be targeting.

2 I'm not so, myself, concerned about ethnicity on  
3 this one, although that may be another side of the coin.  
4 I'm concerned about people who do it themselves. Many of  
5 the people who have come with tire abuse, before us have  
6 essentially been do-it-yourselfers, who are going to make  
7 money on somehow reusing these tires and all they end up  
8 doing is accumulating them. Maybe if they knew how to use  
9 them better, that wouldn't happen.

10 So I'm willing to wait and get a more precise  
11 program. But I do hope we pass something along these  
12 lines in the not too distant future.

13 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:  
14 If I could just comment. The scope of work, pages 20-4  
15 and 20-5, do described the same process that Chico is  
16 going to undertake with a literature survey, the design  
17 and conduct the telephone survey, and then reporting back  
18 to the CIWMB and moving forward from there.

19 We would be very happy to add some more  
20 specificity, but I believe this lays out very much the  
21 same thing that was just described. So if there's  
22 something in addition the Board wants, we need to have  
23 that so we can add it in language.

24 BOARD MEMBER ROBERTI: Just speaking for myself,  
25 the languages that are going to be used, the social

1 logical group that we are going to be approaching, income  
2 levels, people's relationships with their automobiles and  
3 automobile material, such as do you change your own oil,  
4 do you change your own tires, do you collect your own  
5 tires?

6 I'd be interested to know why people collect  
7 tires. And we get all kind of reasons. If it's to  
8 eventually use a tire better and make it last longer,  
9 we're missing something. So one of the first things I  
10 learned when I came on the Board with tires is there's an  
11 amusing whole subculture of people who have sort of an  
12 affair with their tires.

13 (Laughter.)

14 BOARD MEMBER ROBERTI: It was amazing to me, and  
15 maybe we should try to find out about this, too.

16 (Laughter.)

17 CHAIRPERSON MOULTON-PATTERSON: Thank you,  
18 Senator. And, Ms. Gildart, I am sorry for the confusion.  
19 Personally, I have no problem with the survey and finding  
20 out. And maybe the brochure is the way to go after we do  
21 the survey. It's just that \$250,000 for the brochure kind  
22 of hit me wrong also.

23 And I certainly love Cal State Chico. I have a  
24 graduate, and we want to work with you. And we'll try and  
25 communicate better to the staff.

1               So I really think in the interests of time and  
2 everything we'll go ahead and continue 20 and 21, try and  
3 get with you, and we'll continue it.

4               SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

5 Is that to the march meeting then?

6               BOARD MEMBER JONES: How about committee? Send  
7 it through the Committee.

8               CHAIRPERSON MOULTON-PATTERSON: The Special Waste  
9 Committee?

10              BOARD MEMBER JONES: Absolutely.

11              CHAIRPERSON MOULTON-PATTERSON: Okay.

12              Thank you.

13              Thank you, Ms. Gildart and thank you also.

14              Did you want to go to 22 now?

15              Okay, back to 16.

16              SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

17 Back to 16. Items 16 and 17 deal with awards of funds  
18 for this current year.

19              Item 16 is consideration of approval of the grant  
20 awards for the waste tire track and other recreational  
21 surfacing grant program. This is the first time we had  
22 split out funding for this program. In past years, we had  
23 combined the playground mat grants with the track  
24 surfacing grants.

25              This item is going to be presented by Patty

1 Dumont of the Waste Tire Diversion Sections.

2 MS. DUMONT: Madam Chair, board members, good  
3 afternoon. As Martha said, my name is Patty Dumont. I'm  
4 with the Special Waste Division.

5 I am presenting item number 16 today,  
6 consideration of approval of the grant awards for the  
7 waste tire track and other recreational surfacing grant  
8 program for fiscal year 2001/2002.

9 At this time, I'd like to bring your attention to  
10 Attachment number 4, funding recommendations. There is a  
11 smaller error. The City of Long Beach, the recommendation  
12 should read \$48,503, which would change the total to  
13 \$954,879.66.

14 The five-year plan for the Waste Tire Recycling  
15 Management Fund contains a proposal to fund the waste tire  
16 track and other recreational surfacing grants for five  
17 fiscal years beginning with the 2001/2002 fiscal year.

18 This plan approved by the Board at its March 2001  
19 meeting, allocates one million dollars per fiscal year to  
20 fund this program. This program is intended to fund each  
21 project up to \$100,000. And applicants are required to  
22 match 100 percent unless they are eligible for and claim  
23 extreme financial hardship.

24 At its July 2001 meeting the board approved the  
25 distribution of funds, applicant and project eligibility,

1   scoring criteria and the evaluation process for this grant  
2   cycle. The notice of funds available was posted on the  
3   Board's web site, and was mailed to more than 4,000  
4   potential applicants in August 2001.

5               On October 30th, we received 31 applications  
6   requesting more than \$2.2 million in funding. One  
7   application was determined to be ineligible at that time.

8               The Grants Administration Unit entered all  
9   applications into the Board's grant, tracking and  
10   information system. The grant manager with the assistance  
11   of the Grant Administration and other divisions organized  
12   two scoring panels comprised of three staff each.

13              We then conducted a benchmark and scoring  
14   training meeting, so that all staff could acquire a  
15   thorough understanding of the application, the scoring  
16   process and the criteria.

17              After all applications were scored, the grant  
18   manager entered the scores into a spreadsheet for analysis  
19   and a post-scoring review team was assembled. The team  
20   consisted of the grant manager, the supervisor of the  
21   program and a representative from the Financial Assistance  
22   Branch.

23              The team evaluated the score sheets for all the  
24   applications, with scores falling within three points  
25   above and below the 70 point passing mark.

1           Criteria number 10, estimated cost per California  
2 waste tire diverted from the waste stream had some  
3 problems. Out of 30 applications, 13 applications, or 43  
4 percent, displayed difficulty completing the calculation  
5 requirements in criteria number 10.

6           This criterion could have given The applicants up  
7 to ten points. After consultation with the Board's legal  
8 office, staff determined that this criteria needed further  
9 clarification. Thus, all applications received ten  
10 points. This criteria will be clarified in future  
11 applications.

12           After the scoring review process, the grant  
13 manager sorted the passing Applications for northern and  
14 southern California in descending order of application  
15 scores. Application scores ranged from 60 to 90 points,  
16 and the overall average score was 80. The maximum score  
17 for these applications is 100 points.

18           At the July 25/26 meeting, the Board approved  
19 awarding 39 percent of the funds to agencies in northern  
20 California, and 61 percent to those in southern  
21 California. This division of the State is based on the  
22 estimated population of each county in January 2000  
23 provided by the Department of Finance.

24           Of the 30 eligible applications that were scored,  
25 16 applications were from northern California or 53.3



1 percent, 14 applications were from southern California or  
2 46.6 percent. Twenty-six applications or 87 percent  
3 received a passing score for this cycle.

4           The funding requests from the 26 passing  
5 applications totaled \$1,949,288.66.

6           The amount allocated to this grant program from  
7 tire fund is one million dollars. Fifteen of the passing  
8 applications can be funded from the current allocation of  
9 money.

10           Of the 30 applications scored, 11 applicants or  
11 37 percent qualified to receive points for economic need,  
12 eight from northern California and three from southern  
13 California. Ten out of those 11 applicants received  
14 passing scores.

15           The number of points applicants received depended  
16 on the median household income of the project's zip code  
17 area. Of those ten applications that received points for  
18 economic need, two applicants received five points, four  
19 applicants received seven points, and four applicants  
20 received ten points.

21           Those applicants that received ten points were  
22 eligible to receive a -- could request to match 50  
23 percent of the grant funds requested. However, only one  
24 of those four applicants requested the extreme financial  
25 need criteria.

1           The staff recommends that the board award five  
2 northern California projects with passing scores for a  
3 total of amount of \$346,376.66 cents and award ten  
4 southern California projects with a passing score for a  
5 total amount of \$608,503 with the currently allocation of  
6 funding.

7           And we request that you approve the ranking of  
8 the remaining ten northern California projects with  
9 passing scores for a total amount of \$894,409. And the  
10 one southern California project, with a passing score for  
11 a total of \$100,000.

12           These 11 remaining projects total \$994,409 and  
13 will be presented again with the tire recycling management  
14 fund reallocation item in April.

15           That concludes my presentation.

16           Do you have any questions?

17           BOARD MEMBER ROBERTI: Madam Chair.

18           CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

19           MEMBER JONES: I'll move adoption of resolution  
20 2002-113, consideration of the approval of grant awards  
21 for waste tire track and other recreational surfacing  
22 grants programs for fiscal year 2001/2002.

23           CHAIRPERSON MOULTON-PATTERSON: I'll second that.

24           Any discussion?

25           Senator.

1               BOARD MEMBER ROBERTI: Just very briefly, I have  
2 certainly no question on staff's good work in putting this  
3 together, but I do think that the sparsity of applications  
4 from southern California, and the less than perfect scores  
5 that many of those applicants got, tends to make me feel  
6 there's something in the system, and I don't know what,  
7 that indicates that we're just not reaching out to a whole  
8 section of the State.

9               And I think, at one point, we were going to hire  
10 waste tire division people in southern California. And  
11 then I guess we were undergoing a freeze at the moment or  
12 whatever.

13              CHAIRPERSON MOULTON-PATTERSON: But I understood  
14 we got those exemptions, so we'll be doing it. And I  
15 certainly hope one of these people specialized as an  
16 outreach.

17              BOARD MEMBER ROBERTI: Yeah, I tend to think it's  
18 quite obvious here there's a problem. But I think it is a  
19 problem that we have in many of our grants, and many of  
20 our education programs. It's just such a huge State.  
21 It's such a huge State.

22              And for things to emanate from Sacramento through  
23 nobody's fault, in most cases, is just very very  
24 difficult. But I favor this grant award.

25              I think staff has done a good job here, but there

1 is an obvious problem when, you know, we just breathe a  
2 sigh of relief because we have just barely enough southern  
3 California applications that have passing scores to fill  
4 their quota of the money. Something is wrong in the  
5 system, and I hope we deal with it.

6 MS. DUMONT: To address that issue, we are  
7 revamping our mailing list, and we are making sure that we  
8 are getting more mailing addresses.

9 BOARD MEMBER ROBERTI: Very good. And I think  
10 that will be helpful, and my quarrel is not with staff on  
11 this, but there is a problem.

12 MS. DUMONT: Thank you.

13 DEPUTY DIRECTOR JORDAN: Madam Chair, Terry  
14 Jordan with the Administration and Finance Division.

15 I'd like to add to that. With regards to the  
16 Senator's concerns. And that is the Administration and  
17 Finance Division's Grants Unit with the partnership of  
18 PROGRAM are working on a contract concept to bring forward  
19 in the April reallocation item, which will basically  
20 address not only grant writing for the locals, but also to  
21 address outreach.

22 BOARD MEMBER ROBERTI: Very good. That will be  
23 very helpful.

24 BOARD MEMBER MEDINA: I also share the Senator's  
25 concerns in that, in reading through these, it troubles me

1 not to see the school districts of San Jose, Oakland, San  
2 Francisco included in this. And, again, I think this has  
3 to do with outreach.

4 CHAIRPERSON MOULTON-PATTERSON: We do have a  
5 motion and a second to approve resolution 200-113.

6 Please call the roll.

7 SECRETARY VILLA: Eaton?

8 BOARD MEMBER EATON: Aye.

9 SECRETARY VILLA: Jones?

10 BOARD MEMBER JONES: Aye.

11 SECRETARY VILLA: Medina?

12 BOARD MEMBER MEDINA: Aye.

13 SECRETARY VILLA: Paparian?

14 BOARD MEMBER PAPARIAN: Aye.

15 SECRETARY VILLA: Roberti?

16 BOARD MEMBER ROBERTI: Aye.

17 SECRETARY VILLA: Moulton-Patterson?

18 CHAIRPERSON MOULTON-PATTERSON: Aye.

19 Item 17.

20 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

21 Item 17 is consideration of approval of the grant awards  
22 for the Waste Tire Playground Cover Grant Program for  
23 fiscal year 2001/2002.

24 And this item will be presented by presented by  
25 Linda Dickinson of the Waste Tire Diversion Section.

1                   MR. DICKINSON: Good afternoon. I'm Linda  
2 Dickinson.

3                   Today I'll be presenting two agenda items. The  
4 first one is the award item for the playground cover  
5 Program fiscal year 2001/2002.

6                   Attachment 1 presents the criteria for this grant  
7 cycle. Attachment 2(a) and 2(b) list the passing and  
8 failing projects in descending order, by a session number  
9 from both southern and northern California. Attachment 3  
10 provides project descriptions for the projects with  
11 passing scores, and attachment 4 lists the 26 projects  
12 that we have recommended for funding.

13                  A little background on our grant Program is, the  
14 Board is awarded grants for playground cover since fiscal  
15 year 96/97 with the exception of one year in 2000/2001.

16                  The five-year plan approved by the Board at its  
17 March 2001 meeting Designates \$800,000 to fund the Waste  
18 Tire Playground Cover Grant Program for five fiscal years  
19 beginning in fiscal year 2001/2002.

20                  This item is the first cycle Under the five-year  
21 plan. The Board received 43 grant applications requesting  
22 just over one million. 60.5 percent of the applications  
23 received were from southern California and 39.5 percent  
24 were from northern California.

25                  In accordance with the Board's grant award

1 process, staff is making recommendations for funding grant  
2 applications based on the project eligibility, applicant  
3 eligibility, scoring criteria and evaluation process  
4 approved by the board at the July 2001 board meeting.

5           The grant program is intended to fund programs up  
6 to \$25,000 each, not to exceed \$800,000 for this grant  
7 cycle with an even match. The match can be reduced to 50  
8 percent of the grant request if the applicant qualifies  
9 for financial hardships.

10           Staff is recommending that the Board approve  
11 Option 1 and award funds to the 26 applicants which pass  
12 the grant review process for a combined total of \$565,648  
13 in funding.

14           The criteria and points are in Attachment 1. And  
15 the points the Board assigned at the July Board meeting  
16 are as follows:

17           For the general criteria, under Need, 25 points;  
18 Objectives, 15; Methodology, five points; Evaluation, five  
19 points; Budget, five points; Completeness, five points;  
20 and Evidence of Recycle-Content Purchasing Policy or  
21 Directive, ten points, for a total 70 under General  
22 Criteria.

23           The grant application has 15 points in the  
24 environmental criteria. We separated out the recycling  
25 and sustainable practices criterion from the buy recycled

1 criterion and gave it five points in the Program Criteria  
2 section.

3           This criterion requires the applicant to explain  
4 how it handles internal waste, reuses items, handles waste  
5 for special events, and as green waste practices, such as  
6 mulching and composting. At the July 2001 board meeting  
7 this method was approved. Thus, we didn't meet the 15  
8 percent on the buy-recycled because it wasn't in effect  
9 yet.

10           Under program criteria, we did the recycling  
11 Program for five points. If you didn't have a prior waste  
12 tire playground cover rant in the last two fiscal years  
13 that was available, you got five points. And then we have  
14 a cost per tire, which is the estimated cost of a  
15 California tire diverted from the waste stream, you got  
16 anywhere from zero to ten points.

17           But actually because of a problem that came up  
18 once we evaluated the applicants everybody got ten points  
19 for that, and we'll explain that later. There was also up  
20 to ten points that you could get for economic need.

21           Staff mailed Notice of Funds Available to more  
22 than 4,400 potential applicants in August 2001.

23           Some key issues are, after the scoring review  
24 process, staff sorted the pass applications for northern  
25 and southern California according to descending order of



1 the application scores. Scores ranged from 87 to 48  
2 points. The average score for all 43 applications was  
3 69.7 not passing.

4 Of the 43 applications scored, 26, or 61 percent,  
5 achieved a passing scoring, 11 applications from northern  
6 California, or 42.3 percent, and 15 applications from  
7 southern California, or 57.7 percent. The funding  
8 requests from all passing applications totaled \$565,648.  
9 Of that amount \$314,873, or 55.7 percent, was for southern  
10 California, \$250,775, or 44.3 percent, was for northern  
11 California.

12 If the Board approves staff's funding  
13 recommendations, \$234,352 will be available for  
14 reallocation.

15 And one of the key issues under the north/south  
16 split issue. Of the 43 applications scored, 17 or 39  
17 percent achieved a failing score, a geographic  
18 distribution of funds only works if there are many more  
19 passing applications from both northern and southern  
20 California than there is funding available.

21 For this grant cycle, not enough grant  
22 applications passed the review process to divide the  
23 available funding among northern and southern communities.  
24 Out of the failed applications, five were from northern  
25 California, 29 percent, and 12 were from southern

1 California, 71 percent.

2 The issue regarding cost per tire criterion, is  
3 as follows:

4 Out of the 43 applications, 22 or 51 percent had  
5 difficulty completing the calculation requirements for the  
6 criterion on estimated cost per California waste tire  
7 diverted from the waste stream. For this cycle, the  
8 five-year plan new methodology for this criterion was  
9 developed to reward the project that used the most waste  
10 tires for the least cost.

11 Each applicant was required to provide a  
12 calculation to determine the cost of each waste tire  
13 diverted from the waste stream, by using eligible costs of  
14 the total project, including match plus grant funding and  
15 dividing the number of pounds of California waste tire  
16 rubber used in the project.

17 Because over half the applicants did not provide  
18 a correct calculation or no calculation at all, staff  
19 consulted with the Board's legal officers to discuss  
20 alternatives before the applications were evaluated and  
21 rated by scoring teams.

22 The Board's legal office and program staff  
23 determined this criterion needed further clarification in  
24 the application's instruction section. Thus all  
25 applicants received ten points for the cost per tire

1 criterion, and we'll be making changes in the next item,  
2 in the next fiscal year.

3 Under economic need, because only 26 applications  
4 had a passing score above funding not all of the \$800,000  
5 is recommended for grant funding. Consequently, staff  
6 finds it necessary to analyze why this occurred.

7 First, why do we not received more applications  
8 for the grant funding. And although staff was very  
9 diligent in obtaining mailing lists of over 4,400 possible  
10 applications, many of the eligible applicants are facing  
11 an uncertain fiscal future due to a downturn in the  
12 economy.

13 Further, two other playground related grants  
14 administered by the Board might have played a role in  
15 saturating the playground market. Lastly, the funding for  
16 this grant program was increased to \$800,000 and no longer  
17 includes track and another recreational surfacing.

18 Staff also analyzed the scores of the  
19 applications to find out why applicants were unable to  
20 fulfill the requirements of the grant application. We  
21 know that many of the failing applications were weak in  
22 answering most of the general criteria. In addition, the  
23 economic hardship criterion was not claimed by many  
24 applicants.

25 Also, if you noticed in northern California, many

1 more claimed the economic need than in southern  
2 California, both from my program and for the track and  
3 other recreational surfacing. We don't know why that is.  
4 It could be we could subject you to a lot of guesses. But  
5 because of that, for the next process, we've lowered that  
6 from ten points to five points. Hopefully, that won't  
7 cause southern California such a huge differentiation in  
8 the points that are awarded.

9           Staff feels the two-pronged approach to resolving  
10 this issue should take place. First, plans are being made  
11 for assisting eligible participants and improve their  
12 grant writing abilities. Staff will post good examples of  
13 grant applications on the Board's web site. Additionally,  
14 our grants administration unit, as indicated by Terry  
15 Jordan, has been directed by the Board and is already  
16 making plans to hold grant training sessions throughout  
17 California.

18           The training we've been told will focus on much  
19 of the general criteria areas that applicants did not  
20 accurately develop, and we are also told that that would  
21 be at the April board meeting.

22           Second, as it relates to this grant program,  
23 staff can request changes to the next grant cycle  
24 application and scoring criteria. The suggested changes  
25 will be made during the presentation of Agenda Item number

1 19.

2 Finally, the staff recommends the Board approve  
3 resolution number 2002-114 and award a total of \$565,648  
4 to the 26 projects listed on Attachment 4.

5 BOARD MEMBER JONES: Madam Chair?

6 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

7 BOARD MEMBER JONES: I'd like to move adoption of  
8 resolution 2002-114, revised, for a total of -- for the  
9 consideration of approval of grant awards for the waste  
10 tire playground cover grant fiscal year 2001/2002 for  
11 \$565,648.

12 BOARD MEMBER MEDINA: Madam Chair, I'd like to  
13 second this motion, and also ask a question, whether  
14 tribes are eligible to apply for these grants under Items  
15 16 and 17?

16 MR. DICKINSON: Yes, they are. They're listed as  
17 one of the eligible applicants.

18 BOARD MEMBER MEDINA: Thank you.

19 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a  
20 motion by Mr. Jones, seconded by Mr. Medina to approve  
21 resolution 2001-114.

22 Please call the roll.

23 SECRETARY VILLA: Eaton?

24 BOARD MEMBER EATON: Aye.

25 SECRETARY VILLA: Jones?

1 BOARD MEMBER JONES: Aye.  
2 SECRETARY VILLA: Medina?  
3 BOARD MEMBER MEDINA: Aye.  
4 SECRETARY VILLA: Paparian?  
5 BOARD MEMBER PAPARIAN: Aye.  
6 SECRETARY VILLA: Roberti?  
7 BOARD MEMBER ROBERTI: Aye.  
8 SECRETARY VILLA: Moulton-Patterson?  
9 CHAIRPERSON MOULTON-PATTERSON: Aye.  
10 The court reporter needs a five minute break, or  
11 do you need ten minutes, Jim?  
12 THE REPORTER: Five or ten is fine.  
13 (Laughter.)  
14 CHAIRPERSON MOULTON-PATTERSON: Ten is fine.  
15 (Thereupon a brief recess was taken.)  
16 CHAIRPERSON MOULTON-PATTERSON: I call the  
17 meeting back to order. And I believe we left off at  
18 number 18; is that correct?  
19 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:  
20 Yes. Agenda Item 18 is the consideration of approval of  
21 proposed applicant eligibility, project eligibility,  
22 scoring criteria and evaluation process for the fiscal  
23 year the 2002/2003 local government, public education and  
24 amnesty day grant program.  
25 This is the first of two sets of criterion for

1 next fiscal year. Boxing Chen of the Waste Tire Diversion  
2 Section will be presenting the item.

3 CHAIRPERSON MOULTON-PATTERSON: Before you begin,  
4 did anyone have any ex partes?

5 No.

6 Okay, thank you.

7 MR. CHEN: Madam Chair and board members, my name  
8 is Boxing Chen. I work as the Program manager. Today I'm  
9 presenting to you for Agenda Item 18, consideration of  
10 approval of proposed applicant eligibility, project  
11 eligibility, scoring criteria, and the evaluation process  
12 for fiscal year 2002/2003 local government public  
13 education and amnesty grants.

14 Actually, this grant started from '92, but mainly  
15 the Board already awarded 90 grants for more than \$1.4  
16 million for supported local government to develop public  
17 education programs about how to properly dispose and how  
18 to properly care for the tires, and also help with the  
19 public in dealing with the nuisance tires and also cutting  
20 up the small tire parts. So this is like the two main  
21 purposes of this.

22 And the funding is available for this program  
23 just according to the Board approved five-year plan. The  
24 Board has already allocated \$500,000 for the fiscal year  
25 2002/2003.

1           At this time, I would just like for the applicant  
2 eligibility is mainly for the California cities, counties,  
3 special districts, and also public subdivisions and the  
4 California indian tribes.

5           For the proposed project eligibility is mainly  
6 the Program has to have two components. One is the  
7 development to the public educational program, just as I  
8 mentioned it before, for educating the public how to  
9 properly take care of the tires and also how to properly  
10 dispose of the tires.

11           Another project is prepare the public on dealing  
12 with some more tire piles, and also their nuisance tires.  
13 And I will probably mainly be talking about the proposed  
14 scoring criteria. As you may see, I summarized the  
15 scoring criteria in the table.

16           Actually, this year's proposed criteria is the  
17 same as the last circle for the year 2001 and year 2002.  
18 The only change is staff, according to the Board  
19 direction, we put a total scores for 100 points, instead  
20 of 110 for the last cycle.

21           And also when the changing is here, like as the  
22 Board requested for the General Criteria 7, for evidence  
23 for recycling contents purchasing policy and the  
24 directive. Board directed like 15 percent of the points.  
25 So this time we are from 10 changing to 15 and adjusting



1 the total for the general criteria to 65 points.

2 A little bit is changing here like for the needs,  
3 just physically changing from 25 to 20. An objective from  
4 15 changing to 10. And from the methodology, we're  
5 changing from 10 to 5. So the total score for general  
6 criteria will be 65 points. And for the program criteria,  
7 there's no change. Actually, it's just the same as the  
8 last cycle.

9 Criteria 8, recycling problem, this time like in  
10 the are of like recycling and sustainable practice  
11 program. The score is the same.

12 For the cost for tires for amnesty grants, we use  
13 five points, so that's the main change for this time, for  
14 this cycle. And for the proposed review evaluation  
15 process is just the same as before. I won't talk too much  
16 here.

17 I would suggest the Board consider the stuff --  
18 the accommodation to adopt the Resolution 2002-55. This  
19 concludes staff's presentation.

20 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
21 Chen.

22 We have one speaker. Did any board member wish  
23 to speak before our speakers?

24 Okay, Jim Hemminger.

25 I keep practicing, Jim.

1 Hemminger, right?

2 MR. HEMMINGER: Hemminger. Thank you very much,  
3 Madam Chair and Members of the Board. I did prepare a  
4 letter, which I believe you have copies of. I would like  
5 to recognize in the lateness, just briefly summarize the  
6 letter.

7 But, first, I do apologize of the lateness of  
8 some of these comments. We didn't see the Board item  
9 until it was the Board agenda, and with some holidays,  
10 didn't really have a chance to talk the Boxing about some  
11 of our suggestions.

12 He indicated it may be too late to incorporate or  
13 consider these during this grant cycle. And if that's the  
14 case, we'd appreciate your consideration perhaps next  
15 year.

16 CHAIRPERSON MOULTON-PATTERSON: Okay.

17 MR. HEMMINGER: We do first acknowledge that the  
18 Waste Tire Amnesty Day Grant has been a tremendous benefit  
19 to the rural areas of California. And I list in the  
20 letter 13-member counties who are able to participate, 13  
21 rural counties who participate in the first couple cycles.

22 The current cycle though, we notice only three  
23 counties are participating. At our ESJPA meeting last  
24 week, I asked around to the member counties to understand  
25 why they weren't more aggressively taking advantage of

1 this program?

2 I got a variety of responses, but the consensus  
3 really fell into three areas. And what's before you is  
4 three suggested modifications to the grant criteria, which  
5 could hope encourage increased participation by the rural  
6 counties.

7 The first, which may be overly ambitious. This  
8 grant program, as I understand it, already has reduced its  
9 match requirement from 100 percent to 50 percent across  
10 the Board as a matching requirement. Not a lot of money,  
11 but at least from some of the rural areas, they have  
12 indicated that the requisite, eight or ten thousand  
13 dollars would be sufficient to preclude their  
14 participation in the grant program.

15 So we suggest the possibility of including a  
16 provision whereas part of their application, a county  
17 could request, based on demonstrated need, board  
18 consideration for waiver of some of or all of the required  
19 matching funds.

20 We further suggest that there be a provision for  
21 regional programs. As this grant program is now, there's  
22 a \$20,000 max per grant award. That's independent of the  
23 number of participating counties. We suggest increasing  
24 the grant award, perhaps, up to \$50,000 or \$60,000 through  
25 regionalization.

1           It would be easier for some of the counties to  
2 participate and to set a max if three or more  
3 jurisdictions participate.

4           Lastly, there is a prohibition in the grant  
5 eligibility for any travel reimbursement. Again, with  
6 regionalization and different times ESJPA has helped our  
7 member counties implement these programs, we're suggesting  
8 consideration of allowance of say two or three percent of  
9 a grant amount for travel reimbursement.

10          And perhaps just following up on your previous  
11 discussion, somewhat riskally(sic), I was going to show a  
12 couple brochures that we did print for Mariposa and  
13 Siskiyou to hand out at their tire amnesty days. The  
14 bottom line is we think is a wonderful grant program and  
15 do appreciate the fact that the Board is continuing it.

16          Thank you.

17          CHAIRPERSON MOULTON-PATTERSON: Thank you.

18          BOARD MEMBER JONES: Madam Chair.

19          BOARD MEMBER EATON: Madam Chair.

20          CHAIRPERSON MOULTON-PATTERSON: Mr. Eaton.

21          BOARD MEMBER EATON: I'm sorry. I have a  
22 question for staff. Are transportation costs allowable,  
23 not his travel reimbursement, but transportation. For  
24 instance, if I bring the tires to a location, is the  
25 jurisdiction then able to get reimbursed for transporting

1 those tires to a beneficial reuse facility?

2 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

3 The collection, yes.

4 BOARD MEMBER EATON: The Collection and

5 distribution is. So this is different.

6 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

7 If an individual brings the tires to the amnesty day,

8 that's at his own cost. But then when the jurisdiction

9 collects those tires and has a registered waste tire

10 hauler remove them, then we do cover those.

11 BOARD MEMBER EATON: And can there be the

12 regional formation, is that prohibited by statute?

13 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

14 That's not prohibited. If the Board directed, we could

15 consider that.

16 In some ways it might actually reduce staff

17 workload if we have one grant to manage this goes to three

18 or four jurisdictions for a larger amount. On the other

19 hand, it might require a little greater scrutiny on the

20 dollars and cents and all.

21 BOARD MEMBER EATON: But not only regional,

22 because they have their problems, which I would like to

23 see, but to my colleagues who are always talking about

24 southern California. Sometimes two or three cities are

25 located right next to one another. And if those two or

1 three cities that have good friendly relations were to  
2 hook up, then maybe what you could say is that I don't  
3 want to use regionalism, but if there's a way that you  
4 could combine with a maximum or something that we could  
5 do, therefore you might be able to actually enhance. And  
6 you would minimize overhead costs.

7               So I would just like to perhaps maybe add that is  
8 that somehow, you know, the eligibility would include a  
9 maximum of three entities.

10              SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:  
11 We might be able to allow like a Joint Powers Agreement.  
12 I mean, they'd have to show some documentation that they  
13 have such an agreement to work together.

14              BOARD MEMBER EATON: But that eliminates the  
15 combination of the cities, and I'm trying to get the  
16 cities as well, the smaller cities sometimes. And it  
17 could be in northern or southern California or in the  
18 central valley sometimes.

19              You know, that would be -- no, I'm not going  
20 there. I'm not going there.

21              But I'm saying, I know there has to be evidence  
22 for the regional, but also to encourage the fact that two  
23 or three cities could actually hook up together and apply  
24 is what I'm looking for, because that would obviously  
25 minimize overhead, because you only have one

1 transportation.

2           In many cases, as you well know, Colton and  
3 Fontana are right next to one another, and you can't tell  
4 the difference if you go from one to the other except if  
5 there's a sign that says you're leaving Colton and  
6 entering Fontana or Huntington Beach and Seal Beach and  
7 those kinds of areas.

8           So I don't want to get caught in the statutory  
9 scheme where we're prohibited from being able to partner,  
10 I guess, is what I'm looking at.

11           CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.  
12 Yes.

13           MS. LINDERT: I'm Lin Lindert, the supervisor  
14 over this program, and we have allowed them to do this in  
15 the past. The difference is though, in what he's  
16 requesting is we limit it to one application from the  
17 three or more, if they wanted. But the amount was still  
18 \$20,000.

19           So what he's asking is can we raise that. So I  
20 think that's -- but they did have to show either an MOU  
21 and designate a lead person for submitting payment  
22 requests.

23           BOARD MEMBER EATON: Well it would make sense.

24           MS. LINDERT: Or a Joint powers of some sort.

25           BOARD MEMBER EATON: It would make sense, so if

1 you could maybe just do \$50,000, not three twenties, but  
2 \$50,000 would be your max. That still be would better.

3 MS. LINDERT: For a max of three say.

4 BOARD MEMBER EATON: Right.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you.

6 Mr. Jones.

7 BOARD MEMBER JONES: Thanks Madam Chair. I'm  
8 going to move this, but with direction that besides the  
9 JPA that is a government recognized entity, that if up to  
10 three cities went together, that they could get up to  
11 \$50,000 in a grant, is that reasonable to the members?

12 Okay, Madam Chair. I'm going to move adoption of  
13 Resolution 2002-55, consideration of approval of a  
14 proposed applicant eligibility, project eligibility,  
15 scoring criteria, and evaluation process for the fiscal  
16 year 2002/3, local government, public education and  
17 amnesty grant, as amended to include up to three cities  
18 with an MOU, \$50,000 or JPA.

19 BOARD MEMBER MEDINA: I'll second the motion.

20 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a  
21 motion by Mr. Jones seconded by Mr. Medina to approve  
22 resolution 200-55.

23 Please call the roll.

24 SECRETARY VILLA: Eaton?

25 BOARD MEMBER EATON: Aye.



1 SECRETARY VILLA: Jones?

2 BOARD MEMBER JONES: Aye.

3 SECRETARY VILLA: Medina?

4 BOARD MEMBER MEDINA: Aye.

5 SECRETARY VILLA: Paparian?

6 BOARD MEMBER PAPARIAN: Aye.

7 SECRETARY VILLA: Roberti?

8 BOARD MEMBER ROBERTI: Aye.

9 SECRETARY VILLA: Moulton-Patterson?

10 CHAIRPERSON MOULTON-PATTERSON: A.

11 Number 19.

12 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

13 Number 19 is the consideration of approval of proposed  
14 applicant eligibility, project eligibility, scoring  
15 criteria and evaluation process for the fiscal year 2002,  
16 2003 waste tire playground cover grant program.

17 And once again Linda Dickinson will be presenting  
18 this.

19 MR. DICKINSON: Again, Let's see I've written  
20 morning, afternoon morning -- good evening, Madam Chair,  
21 and board members I'm Linda Dickinson from the Waste Tire  
22 diversion section of the special waste division. And I'm  
23 presenting Agenda item 19, which is for consideration of  
24 approval or proposed applicant eligibility project  
25 eligibility, project eligibility, scoring criteria and

1 evaluation process for the fiscal year 2002/2003 waste  
2 tire playground cover grant program.

3           Attachment 1 presents the criteria for this grant  
4 cycle with the exception of a one year 2000/2001, the  
5 Board has awarded grants for playground covers since 96/97  
6 fiscal year. The five-year plan approved by the Board at  
7 its March 2001 meeting designates \$800,000 to fund the  
8 waste tire playground cover grant for five fiscal years  
9 beginning in fiscal year 2001/2002.

10           And this item is the second cycle for the  
11 playground cover grants under the five-year plan. This  
12 grant program is intended to fund programs for playground  
13 cover up to \$25,000 each, not to exceed \$800,000 for this  
14 grant cycle.

15           Because the Board did not receive passing  
16 applications for the first cycle, at the full funding  
17 level as explained in Agenda Item 17, and after analyzing  
18 the scores from the first cycle, staff is recommending  
19 that the Board direct staff to make revisions to the  
20 resolution and reduce the match requirement to 50 percent  
21 of the grant funds and 25 percent if the grant qualifies  
22 or the application qualifies for extreme financial  
23 hardship.

24           The Board approved the reduction in the match for  
25 the local government public education amnesty day grant

1 program. Staff hopes that this reduction in the match  
2 requirement will entice more applicants to apply for grant  
3 funds from throughout California.

4 As required by the procedures for presenting this  
5 growing criteria and evaluation process to the Board,  
6 staff assigned point values to each category of the  
7 general review criteria and proposed program criteria in  
8 Attachment 1.

9 The criteria and points associated with each  
10 section are as follows:

11 For general criteria, the Need is 20 points,  
12 Objectives 10, methodology is five, evaluation is 5,  
13 budget is 10, completeness is 10 points, evidence of  
14 recycled content purchase policy is 15 points, which is 15  
15 percent. This is a total of 75 possible general criteria  
16 points.

17 Under program criteria, we've kept the recycling  
18 program on sustainable waste for five points. If you've  
19 had a prior waste tire playground cover grant program --  
20 if you haven't had one, you received five points. We've  
21 reduced the cost per tire. Actually, we've kept it the  
22 same to ten points. The economic need is the one we  
23 reduced to five points.

24 The changes from the previous cycle have been  
25 made to improve and to increase the applications received.

1 The applications that failed in the first cycle of this  
2 grant program consistently had problems with the budget  
3 criterion.

4 In this cycle, we've changed the points that you  
5 can receive for this section from five to ten in the hopes  
6 that more attention will be given to the budget portion of  
7 the grant.

8 The Need Section was therefore reduced by five  
9 points to 20. Also, the completeness section was  
10 increased from five to ten points and the objectives  
11 section was therefore reduced by five to ten points.

12 As required by the Board in the November 2001  
13 Board meeting the buy recycled policy criterion was  
14 increased to 15 percent of the total points, which is 15  
15 from ten. This led to the economic need section being  
16 reduced by five points -- to five.

17 Just to keep this really short, staff recommends  
18 staff -- my recommendation is that the Board approve  
19 Option 2 and direct staff to make revisions to the  
20 resolution and reduce the match requirement to 50 percent  
21 of the grant funds and 25 percent if the applicant  
22 qualifies for extreme financial hardship, resolution  
23 number 2002-56.

24 CHAIRPERSON MOULTON-PATTERSON: Thank you.

25 Mr. Jones.

1               BOARD MEMBER JONES: Madam Chair, I'll move  
2 adoption of Resolution 2002-56, consideration of approval  
3 of proposed applicant eligibility, project eligibility  
4 scoring criteria and evaluation process for fiscal 2002/3  
5 for the Waste Tire Playground Cover Grant Program.

6               BOARD MEMBER ROBERTI: Second.

7               CHAIRPERSON MOULTON-PATTERSON: We have a motion  
8 by Mr. Jones seconded by Senator Roberti.

9               MR. DICKINSON: With the revisions?

10              CHAIRPERSON MOULTON-PATTERSON: With revisions,  
11 to approve resolution 2002-56.

12              Please call the roll.

13              BOARD MEMBER MEDINA: Madam Chair, before going  
14 to the vote.

15              CHAIRPERSON MOULTON-PATTERSON: I'm sorry. Mr.  
16 Medina.

17              BOARD MEMBER MEDINA: I did have a question, and  
18 a concern here and that's that I raised it before, there's  
19 an elementary school in San Francisco in a low-income  
20 area, the George Masconi School. It's a multi-story  
21 school where the kids have to play up on the roof when the  
22 school was built. There were no provisions for finishing  
23 the roof, and so the kids continue to play on the  
24 unfinished roof.

25              It seems like these funds would be appropriate

1 for those purposes. However, I've been told that for some  
2 reason it has to go through the school district. If you  
3 know the situation of the San Francisco School District,  
4 at this point, that may not be one of their highest  
5 priorities.

6 And so I'm just wondering how can we get these  
7 funds to a school that obviously meets all of you're  
8 criteria, but somehow is not receiving these funds?

9 MR. DICKINSON: If we opened it up to all the  
10 schools and not just kept it to the districts, we would  
11 get, as we have in the past, 400 applications and we don't  
12 have the staff to rate all those.

13 However, we did talk to the Mosconi School  
14 District and we told them those requirements. We didn't  
15 receive an application from that district at all. Maybe  
16 with the grant writing process, training that's going to  
17 be going out throughout California, maybe that will help  
18 them assist through the red tape of their bureaucracy.  
19 I'm not sure how to respond to that.

20 BOARD MEMBER MEDINA: Well, if you knew this  
21 school. This is in a real low income area. The Principal  
22 does a tremendous job with the limited resources she has  
23 in terms of personnel and other resources.

24 So without stronger assistance or without more  
25 assistance to the school, it would be very difficult for

1   them, but yet the school itself is very much in need.  And  
2   it's certainly the children that are paying the price for  
3   whatever, you know, problems the bureaucracies might have.

4               CHAIRPERSON MOULTON-PATTERSON:  Okay.

5               SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

6   If I could just interject.  We would be more than willing  
7   to entertain an application for that project.  Part of the  
8   problem is the lengthy procedures involved in applying for  
9   a grant.  We have many criteria.  They do have to go  
10  through and explain, provide background information,  
11  explain, you know, budget need completeness.

12              We've got a criterion where we waive the match  
13  requirement or reduce it based on economic need.  Is the  
14  Board's wish to have some possible streamline grant  
15  process for economic need.  We're not quite sure how to  
16  assist such and individual.

17              BOARD MEMBER MEDINA:  I would like to have the  
18  process that would allow a school that obviously has the  
19  very need that we're describing in our criteria to be able  
20  to receive funds.

21              SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

22  And if they are unwilling to take the time to fill out the  
23  application package, is there a way we can perhaps  
24  streamline a process specifically for these schools?

25              BOARD MEMBER MEDINA:  If you're a principal,

1 again, that has a shortage of teachers, aides and other  
2 personnel, and resources, then somehow there must be a way  
3 to be able to provide some assistance to that school.

4 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

5 If I could just sort of speak up here for staff, we've  
6 been trying to implement the Board's directions on many  
7 different criteria here and have mentioned on other  
8 occasions that sometimes these criteria do create  
9 obstacles for the applicants.

10 We have had applications for the earlier school  
11 bond and park bond playground grants that were filled out  
12 by members of the PTA because there were no staff that  
13 could be made available to put on these kinds of projects.

14 We are very cognizant of the need of many of  
15 these school districts. But the Board has set certain  
16 standards that we are trying to apply. And unless we are  
17 directed by the Board to waive or streamline those  
18 standards, we can't sit down and write these applications  
19 for needy districts.

20 I'm more than willing to explore other ways of  
21 assisting these, but you're putting staff in quite a bind  
22 when --

23 BOARD MEMBER MEDINA: Well, this is not needy  
24 district. This is a needy school.

25 CHAIRPERSON MOULTON-PATTERSON: I would hope if



1 these kids are playing on the roof and have no playground  
2 that there might be someday that we could make an  
3 exception and perhaps the Board member or something could  
4 write the application.

5 I understand staff's position, and we're not  
6 saying opening it up to all single schools, but this does  
7 sound like a real worthy cause, so I think we could do  
8 that, and we're not asking staff to open it up.

9 Thank you for bringing it up.

10 Okay, do we have a motion?

11 BOARD MEMBER JONES: I made a motion.

12 CHAIRPERSON MOULTON-PATTERSON: And Senator  
13 Roberti seconded it.

14 Please call the roll.

15 SECRETARY VILLA: Eaton?

16 BOARD MEMBER EATON: Aye.

17 SECRETARY VILLA: Jones?

18 BOARD MEMBER JONES: Aye.

19 SECRETARY VILLA: Medina?

20 BOARD MEMBER MEDINA: Aye.

21 SECRETARY VILLA: Paparian?

22 BOARD MEMBER PAPARIAN: Aye.

23 SECRETARY VILLA: Roberti?

24 BOARD MEMBER ROBERTI: Aye.

25 SECRETARY VILLA: Moulton-Patterson?

1                   CHAIRPERSON MOULTON-PATTERSON:   Aye.

2                   Item number 22.

3                   MS. WILLD-WAGNER:   Madam Chair, Shirley  
4 Willd-Wagner of the special waste division for the final  
5 few items of the day.

6                   Item 22 is a grantee request to extend grant  
7 agreements for the project period.   The actual project  
8 period for the used oil opportunity grants that were  
9 granted in the fifth cycle.

10                  And making the presentation this afternoon is  
11 Alan White.

12                  MR. WHITE:   Good evening, Madam Chair and Board  
13 Members.   Item 22, as Shirley just said, is the  
14 consideration of approval of grantee request to extend  
15 grant agreements for the fifth cycle used oil opportunity  
16 grant.

17                  The California Oil Recycling Enhancement Act  
18 authorizes the Board to adopt the used oil recycling  
19 program, which promotes and develops alternatives to  
20 illegal disposal of used oil.   It also authorizes the  
21 Board to issue grants to local governments for providing  
22 opportunities for the collection of used lubricating oil.

23                  At its December 1999 meeting, the Board approved  
24 22 fifth cycle used oil opportunity grants awards totaling  
25 \$6.3 million.   The grant term was from a January 1, 2000

1 through April 30, 2002.

2 By December 1st, 2001 all 22 grant projects were  
3 still open and staff had received ten requests for  
4 extensions for the fifth cycle opportunity grants, ranging  
5 from two months to 18 months.

6 The explanations for the request are included in  
7 Attachment 1 of the agenda item. The Board has approved a  
8 grant extension request process for addressing this issue.  
9 At its December 1998 meeting, the Board adopted a new  
10 grant extension request process for grantees requesting a  
11 time extension to their grant agreement.

12 The Board directed that the grant funds be  
13 available for distribution for a maximum of three years,  
14 beginning July 1 of the first year appropriation through  
15 June 30 of the third year.

16 This standardized process requires that all  
17 requests to extend grant agreements must be approved by  
18 the Board.

19 As part of this process, staff was directed to  
20 inform the Board, one, of the reason the grantee is  
21 requesting an extension, two, the percentage of the  
22 contracted funds that the grantee has spent, and three,  
23 that the Board action is recommended by staff. As noted  
24 earlier, this information is provided in Attachment 1 of  
25 the agenda item.

1           The Board has utilized this process for similar  
2 grants since its adoption. The Board approved time  
3 extensions for several fourth cycle used oil opportunity  
4 grants at its February 2000 meeting. Pursuant to the  
5 direction at the December 1998 board meeting, the Board is  
6 being asked today to consider the approval of the request  
7 for time extensions from the ten grantees noted Attachment  
8 1.

9           Staff recommends Board approval of Option 1 in  
10 the in agenda item, and the adoption of resolution number  
11 2002-58.

12           BOARD MEMBER JONES: Madam Chair.

13           CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

14           BOARD MEMBER JONES: Oh, Mr. Eaton has a  
15 question.

16           CHAIRPERSON MOULTON-PATTERSON: Mr. Eaton.

17           BOARD MEMBER EATON: I'm sorry about this, but  
18 this one has taken us many years to correct. When I first  
19 came to the Board, these grant extensions were made  
20 routinely. And we had an accounting problem and a reserve  
21 of several million dollars, I think \$23 million to be  
22 exact or something like that.

23           We instituted these reforms. And I was assured  
24 at that time that we would have no further extensions  
25 because we needed at least two cycles to get the word out,

1 that somehow we were granting no more extensions, and then  
2 we, for good cause, I think, did grant extensions  
3 previously as mentioned in the February board meetings.

4 But if you look at some of these funds and the  
5 fact that like hundreds of thousands of dollars in some  
6 cases have never been expended, and they say that they  
7 need 12 more months to be able to distribute 500 door  
8 hangers to 500 more residences. And therefore, we ought  
9 to extend the monies totaling some \$111,000 so they can  
10 deliver 500 more door hangers, I don't think is a valid  
11 extension request.

12 And I think there a number of those on this list  
13 that do not warrant the extensions. There's others where  
14 there's been bad weather or that they've fulfilled their  
15 agreement, and for whatever reason contracts are falling  
16 through, those are okay. But I don't believe that at  
17 least a wholesale granting of all these extensions are  
18 warranted, and I'd be happy to, if you wanted to delay  
19 this, come back with my recommended list tomorrow.

20 But if you just look through the reasons for the  
21 request, I mean, it doesn't make sense. All of these, and  
22 Ms. Wagner can back me up, because I've harped on this  
23 forever, this is money that they needed an extra cycle to  
24 expend. They haven't expended the money, and they just  
25 keep the money in there and the reserves go and they use

1 it for other things, and then they come back with these  
2 requests for extension.

3           The money has to be spent. The oil has to be  
4 collected. The programs have to be done. It does no good  
5 for us to provide money where the money isn't being used,  
6 and especially the larger balances of like one of 157,000,  
7 some 238,000 because Folsom Lake was low.

8           Folsom Lake has only been low for one year.  
9 Folsom Lake, we had more than abundance of water the last  
10 couple of years, and yet they can't spend 238,000 for  
11 boating and oil.

12           My recommendation would be is that only in rare  
13 cases should we grant the extensions, and I would say that  
14 probably only two to three in here are even warranted. At  
15 least we should set some criteria that they have to expend  
16 the funds at a certain level.

17           CHAIRPERSON MOULTON-PATTERSON: Mr. Eaton, can we  
18 trail this till tomorrow?

19           BOARD MEMBER EATON: Yes.

20           CHAIRPERSON MOULTON-PATTERSON: Twenty-two is  
21 trailed till tomorrow. The last item is 24.

22           MS. WILLD-WAGNER: Could I just make one comment  
23 on that. We do have several speakers here today that  
24 could answer perhaps specific questions. I'm not sure of  
25 their availability.

1                   CHAIRPERSON MOULTON-PATTERSON: I'm sorry, I  
2 didn't have any speaker slips. I don't know anyone was  
3 here.

4                   MS. WILLD-WAGNER: Just because that particular  
5 one was brought up, I was thinking I know that the  
6 representative from El Dorado County is here. I'm not  
7 sure if these people are able to come back tomorrow or  
8 not.

9                   CHAIRPERSON MOULTON-PATTERSON: Who's here on  
10 this item?

11                  MS. WILLD-WAGNER: El Dorado county, Sonoma  
12 County.

13                  CHAIRPERSON MOULTON-PATTERSON: Oh my gosh. I  
14 apologize. I had no idea you were all here.

15                  MR. WHITE: They were basically here if you had a  
16 question on a particular, then we would bring them up.

17                  CHAIRPERSON MOULTON-PATTERSON: Well, that's --

18                  MS. WILLD-WAGNER: I can also answer one other  
19 specific question from Board Member Eaton. And I do agree  
20 with what he'd been saying. The one difference is that  
21 block grants, the used oil block grants, which are  
22 noncompetitive grants we will guarantee that those will  
23 not be extended and we have not extended those past that  
24 first cycle.

25                  These are opportunity grants, which is a

1 competitive grant cycle. And they're usually more dollars  
2 for bigger ticket items, the one-time expense type items.  
3 And they have had only a two-year project period.  
4 Whereas, the actual policy that was approved by the Board  
5 in '98 said that grants over three years should come to  
6 the Board. These have only had two years and a month or  
7 so, but because of the fiscal year of encumbrance, that's  
8 the reason that we're coming to you at this time for an  
9 extension.

10 My voice is giving out. My cold is a little bit  
11 long. That's the reason. They have only had two years to  
12 expend the funds rather than the three.

13 CHAIRPERSON MOULTON-PATTERSON: Okay. Since we  
14 have these members here, I'd hate to have them come back  
15 tomorrow. Which cities do they -- which questions did you  
16 have, Mr. Eaton?

17 BOARD MEMBER EATON: Well --

18 BOARD MEMBER JONES: While he's looking, can I  
19 ask a question? That will give him a chance. Our normal  
20 opportunity grants are three-year grant cycles?

21 MS. WILLD-WAGNER: We would like them to be  
22 three-year grant cycles, but with the fiscal constraints,  
23 no, they're usually about two years by the time the grant  
24 is awarded and gone through the review cycle and comes to  
25 the Board, it's usually only a two-year project period.



1           That's because of the fiscal year encumbrance and  
2 the current policy. That could be changed, of course, as  
3 the Board looks at that policy. It could be made to be  
4 three years a project period, because these funds are  
5 continuously appropriated.

6           MR. WHITE: Some of the grants that Mr. Eaton  
7 mentioned, the Stanislaus County the 111,000, they are  
8 here. If you notice, the write-up on it though we have  
9 two, Stanislaus County and Pasa Robles, who actually did  
10 so good they saved so much money, that they're asking for  
11 an extension to use the money they saved in the cost  
12 savings and the efficient programs they have to continue  
13 those programs on for that third year, so they don't  
14 really meet the criteria or the criticism that Board  
15 Member Eaton said on Stanislaus County and Pasa Robles, if  
16 you'll notice those two.

17           I even have a little star a my sheet. In fact,  
18 they did so good that, you know, they said well we save  
19 all this money, can we go ahead and use this money rather  
20 than come back for a grant some other time. If we've got  
21 it and we've got the program in place, can we go ahead and  
22 use that. So there's two there in that category. And  
23 then we do have several -- a couple people still left  
24 here, if you would like to talk to them.

25           BOARD MEMBER EATON: What is their cost savings?

1 How did they save 54 percent and how is that 54 percent  
2 totaling \$111,000 turn into 500 door hangers.

3 MR. McARGUE: Jim McArgue, I'm registered as an  
4 Environmental Health Specialist with the Stanislaus County  
5 Department of Environmental Resources. I'll point out a  
6 clarification. The number you have of \$111,871.56. The  
7 actual number for the February report was due Friday, and  
8 we now have invoiced the Waste Board for our current  
9 expenditures and the actual number is 57,626.72 just to  
10 give you an idea of how we have saved money, which is very  
11 good especially for us.

12 And what we were able to do is do some block  
13 advertising with other departments within our county and  
14 were able to reduce the original cost estimates that were  
15 put in the grant application.

16 Secondly, our subcontractor for our outreach  
17 program, we spent a significant amount of time looking at  
18 the line items and their budget, and were able to reduce  
19 the costs significantly by taking a closer look at exactly  
20 what they do and how they were doing it.

21 Essentially we have fulfilled all the items that  
22 were originally proposed in the grant. We are now left  
23 over with \$57,000. We feel like we have an opportunity to  
24 do additional outreach to these 500 very targeted  
25 individual households, and we would like to use these

1 funds to actually expand upon what we've done already.

2 In the year 2000 annual report, we noticed a 25  
3 percent increase in used motor oil collection at permanent  
4 the household facility collection center. In the last six  
5 months, we've collected over 14 thousand gallons from  
6 certified centers.

7 So I think we're doing an extremely good job and  
8 we would just like to have the opportunity to complete and  
9 carry it a little further.

10 BOARD MEMBER EATON: It doesn't show those  
11 figures. All I have is 111, so --

12 MR. McARGUE: It was Friday that the report was  
13 due.

14 BOARD MEMBER EATON: Well, --

15 MS. WILLD-WAGNER: The February 15th report was  
16 representative of El Dorado. I don't know if you want to  
17 dress the Folsom Lake issue at all.

18 BOARD MEMBER EATON: What do you have left, as of  
19 Friday, in Folsom?

20 MR. JOHNSON: David Johnson.

21 BOARD MEMBER EATON: Is that an accurate figure?

22 CHAIRPERSON MOULTON-PATTERSON: State your name.

23 MR. JOHNSON: Dave Johnson, El Dorado County.

24 Madam Chair and Members of the Board, good evening.

25 We have also recently submitted our progress

1 report, which reduced the outstanding balance by about  
2 \$78,000. We don't know exactly how much is left, but it's  
3 roughly \$150,000.

4 As Alan mentioned, this two-year grant cycle is  
5 not a three year. And in the summary you have, it doesn't  
6 full explain our reasoning for not fully implementing the  
7 grant. This application was written by a person who was  
8 let go from the county at about the same time the grant  
9 was awarded.

10 She was replaced by someone who was only there  
11 for a few months. And then in the spring of 2001, a  
12 couple long-term county employees, myself, and Michelle  
13 Opalenick assumed the project and did fully implement the  
14 marina and rerefined oil program through the summer of  
15 2001.

16 We have done the outreach. We've done everything  
17 that we set out to do in the project narrative for one  
18 year. Basically, we're just trying to do what we promise  
19 to do in the application and conduct a two-year marina and  
20 rerefined oil program.

21 BOARD MEMBER EATON: Madam Chair, I don't want to  
22 take up anymore time, but then I have a question as to how  
23 we can approve the contract amounts at the beginning, when  
24 we have a history that they can't spend the money this  
25 fast, and in this amount or is it just that these

1 individuals can't spend the money like the others can who  
2 have been awarded? And is this program over subscribed or  
3 undersubscribed.

4 MS. WILLD-WAGNER: This is oversubscribed.

5 BOARD MEMBER EATON: So the money that they would  
6 be taking that they weren't able to spend meant that  
7 someone else couldn't use the program when we first  
8 approved the grants.

9 MS. WILLD-WAGNER: I would like to make a  
10 suggestion that we look at making these three-year project  
11 periods. Many of the scopes are very, very difficult and  
12 ambitious to accomplish in two years. A lot of them are  
13 capital outlay major campaigns, et cetera, that would be  
14 more appropriately covered in the three-year term.

15 BOARD MEMBER EATON: Madam Chair, it's been a  
16 long day. If you want to -- I'm going to vote no.

17 CHAIRPERSON MOULTON-PATTERSON: Well, we did say  
18 we were going to trail it. Did you want to just go ahead  
19 with it?

20 BOARD MEMBER EATON: It's up to the rest of the  
21 Board Members. You know, from my standpoint, I think that  
22 this is a systemic problem. We grant all this money and  
23 then they can't spend it, and we award it. And yet this  
24 is a program wherein others were denied monies because  
25 these other individuals got the money based on the belief

1 that they would spend the money.

2           And if you look at the percentage of money spent,  
3 either with what was on Friday, which we don't have, or  
4 what's here in our binders right now, you can see that  
5 there's an inherent unfairness or that we are either not  
6 doing our job to properly evaluate whether or not they can  
7 spend the money. And therefore when we tell them well,  
8 we're only going to award you \$100,000 instead of the 300  
9 you wanted, they cry, and now all of a sudden they can't  
10 spends it.

11           And others who may have had programs which would  
12 have widened the net of used oil collection have gone  
13 without.

14           CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

15           BOARD MEMBER JONES: Madam Chair, I know this has  
16 been a huge issue for Board Member Eaton to try to get  
17 this figured out, and hopefully we will use the time. I'm  
18 going to move this motion, because I think the people are  
19 here, and I think these programs need to be sustained.

20           We may want to coordinate, in future years, that  
21 if they're all supposed to report on July -- or on the  
22 15th, maybe we have the item written the following month,  
23 so we might have a little more accurate thing, but I know  
24 that's tough.

25           But I do think that these programs have to

1 continue. I'm going to move adoption of Resolution  
2 2002-58, consideration of approval of grantee request to  
3 extend grant agreements for the Used Oil Opportunity  
4 Grants, fifth cycle.

5 CHAIRPERSON MOULTON-PATTERSON: We have a motion  
6 by Mr. Jones and I'll go ahead and second it to approve  
7 Resolution 2002-58.

8 Please call the roll.

9 SECRETARY VILLA: Eaton?

10 BOARD MEMBER EATON: No.

11 SECRETARY VILLA: Jones?

12 BOARD MEMBER JONES: Aye.

13 SECRETARY VILLA: Medina?

14 BOARD MEMBER MEDINA: No.

15 SECRETARY VILLA: Paparian?

16 BOARD MEMBER PAPARIAN: Aye.

17 SECRETARY VILLA: Roberti?

18 BOARD MEMBER ROBERTI: Aye.

19 CHAIRPERSON MOULTON-PATTERSON: Aye.

20 Thank you.

21 The last item is number 24.

22 MS. WILLD-WAGNER: Item 24 is consideration of  
23 approval of the California Coastal Commissioner as the  
24 contractor for Phase 3 for the Boating Clean and Green  
25 campaign for fiscal year 2001/2002. This is based on a

1 contract concept approved by the Board.

2 And Anna Ward will be making this presentation.

3 CHAIRPERSON MOULTON-PATTERSON: Okay, Ms. Ward,  
4 and if you could give a brief one, it's been a long day,  
5 and we still have a closed session, and most of us love  
6 this program.

7 (Laughter.)

8 MS. WARD: Since 1997 the Board has supported the  
9 California Coastal Commission as contractor for the  
10 Boating Clean and Green campaign. The Campaign has a  
11 comprehensive boater education program to reduce the  
12 impacts of boating on California's environment. This  
13 includes an extensive used oil management education  
14 program, which has been developed and implemented for the  
15 boating community throughout the State.

16 The second phase of this campaign is  
17 collaboration has ended December 2001. Now, as the  
18 Coastal Commission continues into Phase 3 of the campaign,  
19 financing for most of the program will be coming from some  
20 federal sources, which include the National Oceanic and  
21 Atmospheric Administration, as well as the U.S.  
22 Environmental Protection Agency.

23 The Commission is now requesting from the Board  
24 funding for mostly educational outreach materials, which  
25 are listed in the agenda in the agenda items and the scope



1 of work.

2               Staff recommends that the Board prove Option 1,  
3 to improve the interagency agreement with the California  
4 Coastal Commission, as contractor for Phase three of the  
5 boating clean and green campaign, by adopting resolution  
6 number 2002-112. Chris Perry, the Public Education  
7 Program Manager from the Coastal Commission is here today  
8 if you have any questions regarding the Program.

9               Thank you.

10              BOARD MEMBER JONES: Madam Chair.

11              CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

12              BOARD MEMBER JONES: I want to move adoption of  
13 resolution 200-1112, consideration of the approval of an  
14 inter-agency agreement with the California Coastal  
15 Commission for Phase 3 of the Boating Clean and Green  
16 Campaign, fiscal year 2001 to used oil, program concept  
17 number 45.

18              BOARD MEMBER PAPARIAN: Second.

19              CHAIRPERSON MOULTON-PATTERSON: Okay we have a  
20 motion by Mr. Jones seconded by Mr. Paparian to approve  
21 Resolution 2002112. Did you want to say something?

22              BOARD MEMBER JONES: I just wanted to say, for  
23 the Members who weren't here today, too bad you didn't get  
24 to seat the bucket. I mean, it took us a long time to get  
25 this contract finally through it and there was a bucket

1 that he had tat they gave to everybody to understand this,  
2 so congratulations with your program. Congratulations  
3 with your program, you're doing a good job.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you, and  
5 thank you for your perseverance today.

6 Please call the roll.

7 SECRETARY VILLA: Eaton?

8 BOARD MEMBER EATON: Aye.

9 SECRETARY VILLA: Jones?

10 BOARD MEMBER JONES: Aye.

11 SECRETARY VILLA: Medina?

12 BOARD MEMBER MEDINA: Aye.

13 SECRETARY VILLA: Paparian?

14 BOARD MEMBER PAPARIAN: Aye.

15 SECRETARY VILLA: Roberti?

16 BOARD MEMBER ROBERTI: Aye.

17 SECRETARY VILLA: Moulton-Patterson?

18 CHAIRPERSON MOULTON-PATTERSON: Aye.

19 As I mentioned earlier, we will have a closed  
20 session, but we will probably just be taking up one item,  
21 because of the lateness, and some people have to leave.  
22 We will be having a closed session tomorrow, so thank you  
23 very much for your patience.

24 (Thereupon the California Integrated Waste  
25 Management Board meeting adjourned at 5:55 p.m.)

## 1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the  
6 foregoing California Integrated Waste Management meeting  
7 was reported in shorthand by me, James F. Peters, a  
8 Certified Shorthand Reporter of the State of California,  
9 and thereafter transcribed into typewriting.

10 I further certify that I am not of counsel or  
11 attorney for any of the parties to said hearing nor in any  
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 this 15th day of March, 2002.

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